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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixtieth year

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twelfth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex) which states:

> "The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly."

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Letter of transmittal

15 August 2004

Excellencies,

I have the honour to submit the twelfth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 dated 15 August 2005 to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

Please accept, Excellencies, the assurances of my highest consideration.

(*Signed*) Theodor **Meron**
President

President of the General Assembly
United Nations
New York, NY 10017

President of the Security Council
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Twelfth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The twelfth annual report of the International Criminal Tribunal for the Former Yugoslavia covers the period from 1 August 2004 to 31 July 2005.

During the reporting period a number of initiatives have been implemented to increase the efficiency and pace of the Tribunal's proceedings. Throughout the year the Tribunal's three Trial Chambers have run six trials simultaneously. The Trial Chambers examined 37 trials on the merits, five cases of contempt, and rendered three judgements on the merits. There have also been four 11 bis referrals, pending appeals, to a national jurisdiction, involving eight accused. The Appeals Chamber has disposed of a record number of appeals, comprising 21 interlocutory appeals, and five appeals from judgement.

The Tribunal has pushed forward with its completion strategy, adopting further internal reforms to ensure compliance with Security Council resolutions 1503 (2003) and 1534 (2004). There has been a coordinated effort among all sections of the Tribunal aimed at increasing efficiency. Focus continues to be placed on the most senior-level persons accused of the most serious crimes. To meet current needs, resources have been shifted from investigations to trial and appellate work. Procedural rules have been amended, particularly rule 98 bis, which now requires oral arguments instead of written briefs. A pilot eCourt system was implemented in February 2005 and a final assessment has shown the potential for tremendous time savings during court proceedings. Two working groups delivered recommendations on speeding up trials and speeding up appeals, and their proposals are being reviewed for implementation.

The Tribunal also placed a major emphasis on external reforms during the reporting period. The Tribunal worked with the Office of the High Representative to open a Special Chamber for war crimes prosecutions in the State Court of Bosnia and Herzegovina on 9 March 2005. In furtherance of the Tribunal's commitment to assisting the trial readiness of the courts in the region, the Tribunal also conducted a number of training seminars with judges and prosecutors from Croatia and Serbia. Cooperation with countries of the former Yugoslavia has improved in some cases over the reporting period. Nonetheless, the continued failure to arrest and transfer the remaining high-level fugitives remains a significant impediment to full cooperation and is hindering the Tribunal's ability to bring justice and closure to the region. It also remains a significant barrier to the timely completion of the Tribunal's mandate.

The Tribunal currently has a total of 25 judges from 23 different countries: 14 permanent judges, 2 judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber, and 9 ad litem judges.

Judge Theodor Meron (United States of America) continued to act as President of the Tribunal following his re-election on 17 November 2003 and his re-election as a permanent judge of the Tribunal in November 2004. Judge Fausto Pocar (Italy) acted as Vice-President following his re-election at the same times.

During the reporting period, the following changes in the membership of the Tribunal occurred. Judge El Mahdi was not re-elected as permanent judge of the Tribunal and Judge Mumba did not stand for re-election; they will be replaced in November 2005 with currently acting ad litem Judge Christine Van den Wyngaert (Belgium) and Judge Bakone Melema Moloto (South Africa). Ad litem Judges Ivana Janu (Czech Republic), Chikako Taya (Japan), Volodymyr Vassylenko (Ukraine) and Carmen Maria Argibay (Argentina) finished their terms of service with the Tribunal. Four new ad litem judges were appointed: Judge Hans Henrik Brydensholt (Denmark); Albin Eser (Germany); Claude Hanoteau (France); and György Szénási (Hungary), the latter finishing his term. The Security Council adopted resolution 1597 (2005) in April 2005 which allows ad litem judges to be re-elected and will facilitate their completion of ongoing cases.

The Prosecutor submitted her final indictments in December 2004. Seven indictments were submitted at that time, involving 13 accused. In addition, six persons were indicted for contempt of the court, in four cases, and judgements were rendered in three cases. During the reporting period, 24 accused surrendered or were arrested and transferred to The Hague and only 10 fugitives remain outstanding. One accused (Miroslav Bralo) pleaded guilty during the reporting period.

During the reporting period, the Prosecutor filed nine motions pursuant to rule 11 bis involving 18 accused, three of whom are still at large, seeking their referral to Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the Republika Srpska. Four cases involving eight accused have been decided and referred to the new Special War Crimes Chamber in Bosnia and Herzegovina. One referral was denied, another is pending and the Prosecutor withdrew her motion in relation to a case involving three accused.

The Office of the Prosecutor increased its pre-trial, trial and appeals activities throughout the reporting period. Further measures were adopted to improve the management and operations of the Office, including downsizing the investigations staff.

While 24 accused surrendered or were arrested in the reporting period, the failure to arrest high-level accused, such as Radovan Karadžić, Ratko Mladić and Ante Gotovina, continues to be a major concern for the Prosecutor. The Office of the Prosecutor continued to work with countries in the region, both to facilitate the arrest and transfer of accused and to build the capacity of national courts.

The Registry continued to exercise its managerial, administrative and judicial support functions as stipulated by the statute and the Rules of Procedure and Evidence.

The Registry provided operational support in the conduct of six trials running concurrently. The Registry also maintains the detention facility, which is functioning at maximum capacity with an average of 58 detainees; it is also expected that as many as 19 accused will return from provisional release. Other Registry offices continued to serve important functions during the reporting period including the Victims and Witnesses Section, a legal aid office, an interpretation and translation service, the law library and safety and security staff. Moreover, the Registry provided human resources assistance, financial and budgetary support, information technology support, and general services. The Registry also serves as a communications channel for the Tribunal and provides advisory legal support.

In pursuance of the action plan developed by the Registrar in the last reporting period, one enforcement agreement was concluded with the United Kingdom of

Great Britain and Northern Ireland and negotiations with a number of other countries reached an advanced stage.

The Registrar continued to facilitate the implementation of the Tribunal's completion strategy to accomplish its mandate by 2010. The completion strategy posed challenges in a number of areas including the transfer of cases to courts in the former Yugoslavia, human resource issues, scheduling issues, and legacy issues. The budget limitation for the Investigations Section of the Office of the Prosecutor for 2005, the shortfall in contributions late in 2003 and 2004 and the associated recruitment freeze posed considerable managerial challenges.

In terms of staffing, the proposed budget contemplated a gradual reduction in posts in the Investigations Division resulting from the completion of all pre-indictment investigations by the end of 2004, in line with the completion strategy. The new staffing table approved for the Tribunal in 2005 includes a total of 999 regular posts or a net reduction of 49 posts vis-à-vis 2004 levels. In July 2005, the staffing of the Investigations Division was further reduced by 12 Professional posts, resulting in an overall net reduction of 61 posts during 2005.

On 23 December 2004, in its resolution 59/274, the General Assembly decided to appropriate to the Special Account for the Tribunal a total of $329,317,900 gross ($298,437,000 net) for 2004-2005, which included the proposed post and travel resources of the Investigations Division for 2005. The revised appropriation reflects a net increase of $26.8 million over the initial appropriation for 2004-2005; for the details, see paragraph 251 of the report.

From 2 May 2004 to 1 January 2005 there was a significant increase in the vacancy rate throughout the Tribunal, owing to a hiring freeze that affected the Chambers, the Office of the Prosecutor and the Registry. The lifting of the freeze was a key factor in the Tribunal's ability to continue operating at maximum capacity and efficiency.

The Tribunal is continuing to fulfil the mandate established by the Security Council in 1993. This important work is not possible without the ongoing support of the international community and the Governments of the former Yugoslavia. The report that follows details how this support and cooperation has helped lead to an ever-evolving International Tribunal with open, fair processes aimed at promoting justice and reconciliation in the region. As the Tribunal moves 10 years beyond the atrocities at Srebrenica, the continued support of the international community is more important than ever, to demonstrate to the world that such crimes will not be tolerated and will not go unpunished. The work of the Tribunal will ensure that those most responsible for such serious international crimes will, as we move towards the Tribunal's completion, continue to be met with the highest standards of international justice.

Contents

		Paragraphs	Page
I.	Introduction	1–5	10
II.	Activities involving the entire Tribunal	6–32	11
	A. President	6	11
	1. Reforms	7–10	11
	(a) Internal reforms	7–9	11
	(b) External reforms	10	12
	2. Diplomatic relations and other representation	11–14	12
	3. Judicial activity	15–16	13
	B. Bureau	17–19	13
	C. Coordination Council	20–21	14
	D. Plenary sessions	22–26	14
	E. Rules Committee	27–32	15
III.	Activity of the Chambers	33–171	16
	A. Composition of the Chambers	33–39	16
	B. Principal activity of the Chambers	40–171	17
	1. Trial Chambers	42–137	17
	(a) Merits cases	43–130	17
	(1) Ademi and Norac case	43–44	17
	(2) Beara case	45–46	18
	(3) Blagojević and Jokić (Dragan) case	47–48	18
	(4) Borovčanin case	49–51	18
	(5) Boškoski and Tarčulovski case	52–53	18
	(6) Bralo case	54–55	19
	(7) Brđanin case	56–57	19
	(8) Čermak and Markač case	58–59	19
	(9) Delić case	60–61	19
	(10) Hadžihasanović and Kubura case	62–63	19
	(11) Halilović case	64–65	19
	(12) Haradinaj, Balaj and Brahimaj case	66–67	20
	(13) Kovačević case	68–70	20
	(14) Krajišnik case	71–72	20
	(15) Limaj, Bala and Musliu case	73–74	20

(16) Ljubičić case 75–76 21
(17) Martić case 77–78 21
(18) Mejakić, Gruban, Fuštar and Knežević case 79 21
(19) Milošević (Dragomir) case 80–81 21
(20) Milošević (Slobodan) case 82–85 21
(21) Milutinović, Ojdanić and Šainović case 86–88 22
(22) Mrkšić, Radić and Sljivančanin case 89–90 22
(23) Dragan (Drago) Nikolić case 91–93 22
(24) Orić case 94–95 23
(25) Pandurević and Trbić case 96–98 23
(26) Pavković, Lazarević, Đorđević and Lukić case 99–102 23
(27) Perišić case 103 24
(28) Popović case 104–107 24
(29) Prlić, Stojić, Praljak, Petković, Ćorić and Pušić case 108–109 24
(30) Rajić case 110 24
(31) Rašević and Todović case 111–113 25
(32) Šešelj case 114–115 25
(33) Stanišić (Jovica) and Simatović case 116–118 25
(34) Stanišić (Mićo) case 119–120 25
(35) Stanković and Janković case 121–124 25
(36) Strugar case 125–127 26
(37) Tolimir, Miletić and Gvero case 128–130 26
(b) Contempt cases 131–137 27
(1) Beqe Beqaj case 131–132 27
(2) Bulatović case 133 27
(3) Maglov case 134–135 27
(4) Marijačić and Rebić case 136 27
(5) Šešelj (Stjepan) and Margetić case 137 28
2. Appeals 138–171 28
(a) Interlocutory appeals 139–140 28
(b) Contempt appeals 141 28
Milošević case 141 28

(c) Referral appeals ... 142–143 28
(1) Rasević and Todović case ... 142 28
(2) Stanković case ... 143 29
(d) Requests for review ... 144 29
(e) Appeals on the merits ... 145–171 29
(1) Babić case ... 146 29
(2) Blagojević and Jokić case ... 147 29
(3) Brđanin case ... 148 29
(4) Deronjić case ... 149 30
(5) Galić case ... 150–151 30
(6) Jokić (Miodrag) case ... 152 30
(7) Kordić and Čerkez case ... 153–156 30
(8) Kvočka, Radić (Mlađo), Prcać and Žigić case ... 157–160 31
(9) Nikolić (Momir) case ... 161 31
(10) Martinović and Naletilić case ... 162–164 32
(11) Dragan (Drago) Nikolić case ... 165–166 32
(12) Simić (Blagoje) case ... 167–168 32
(13) Stakić case ... 169–170 33
(14) Strugar case ... 171 33
IV. Activity of the Office of the Prosecutor ... 172–198 33
A. Overview ... 172–175 33
B. Activity of the Prosecutor ... 176–198 34
1. Investigations ... 176–178 34
(a) General considerations ... 176 34
(b) Indictments ... 177–178 34
2. Arrest and surrender of accused ... 179–182 34
3. Pre-trial procedure, trials and appeals ... 183–184 35
4. Cooperation ... 185 35
(a) Arrests ... 186 35
(b) Croatia ... 187–188 35
(c) Serbia and Montenegro ... 189–190 36
(d) Bosnia and Herzegovina: Federation of Bosnia and Herzegovina and Republika Srpska ... 191–193 36
(e) The former Yugoslav Republic of Macedonia ... 194 37

(f) Assistance in the territory of the former Yugoslavia and beyond . . 195–196 37
5. Training and assistance in the development of domestic jurisdictions . . 197–198 38
V. Activity of the Registry . . . 199–254 38
A. Office of the Registrar . . . 199–213 38
1. Registry Advisory Section . . . 200 38
2. Communications Service . . . 201–205 39
3. Outreach Programme . . . 206–210 39
4. Voluntary contributions . . . 211–213 40
B. Judicial Support Division . . . 214–240 41
1. Chambers Legal Support Section . . . 215–216 41
2. Court Management and Support Services Section . . . 217–224 41
3. Victims and Witnesses Section . . . 225–229 42
4. Office of Legal Aid and Detention Matters . . . 230–236 43
5. Detention Unit . . . 237 45
6. Conference and Language Services Section . . . 238–239 45
7. Law library . . . 240 45
C. Division of Administration . . . 241–254 45
1. Procurement . . . 242–243 45
2. General Services Section . . . 244–246 46
3. Human Resources Section . . . 247–248 46
4. Budget and Finance Section . . . 249–252 47
5. Information Technology Services Section . . . 253 47
6. Security and Safety Section . . . 254 47
VI. Conclusion . . . 255–258 48

Annexes

I. Trial and Appeals Chambers activity during the reporting period . . . 49
II. Accused awaiting trial as at 31 July 2005 . . . 52
III. Persons convicted or acquitted after trial and guilty pleas . . . 55
IV. New arrivals and remaining fugitives . . . 58
V. Voluntary contributors . . . 61

I. Introduction

1. The twelfth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia details the activities of the Tribunal for the period from 1 August 2004 to 31 July 2005.

2. The Tribunal has continued to focus on the implementation of its completion strategy submitted in 2002 by then President of the Tribunal, Judge Claude Jorda. The Security Council endorsed the Tribunal's completion strategy in resolution 1503 (2003) of 28 August 2003. The strategy envisaged the completion of investigations by the end of 2004, completion of all trial work by the end of 2008, and completion of appeals work in 2010. As was emphasized in the last annual report, to achieve the objectives of the completion strategy the Tribunal resolved to concentrate on the most senior leaders suspected of being most responsible for crimes within the jurisdiction of the Tribunal and to transfer cases involving intermediate and low-level offenders to national jurisdictions with the capacity to conduct fair trials. The Rules of Procedure and Evidence were amended to reflect those objectives. Unfortunately, the Tribunal's own work was greatly affected by the imposition of a hiring freeze by the international community whose interest in the Tribunal's important work was overshadowed by events elsewhere. During the period of the freeze, the Tribunal lost over 10 per cent of its staff, which also led to a decline in staff morale. The freeze was lifted in January 2005, and since that time the Tribunal has acted to fill its vacancies and to operate again at full efficiency.

3. During the reporting period the judges of the Tribunal have been active in seeking ways to increase the efficiency of trials and appeal proceedings. Two working groups of judges have been appointed by the President and through a process of consultation with the Office of the Prosecutor, the Registry and the Association of Defence Counsel, the working groups have formulated a number of strategies aimed at increasing the efficiency of trials and appeals without impinging upon fundamental principles of fair trial and due process. There have also been high-level discussions about the possibility of adding a fourth courtroom. If a cost-benefit analysis supports the addition of a fourth courtroom, funds will be sought from voluntary contributions and not from the United Nations.

4. The work of the Tribunal with the Office of the High Representative to establish a war crimes chamber within the State Court of Bosnia and Herzegovina to receive cases from the Tribunal and to take over investigations of cases of lower-level accused not being pursued by the Tribunal came to fruition with the official opening of the Special War Crimes Chamber on 9 March 2005. The Referral Bench constituted by the President to deal with all 11 bis motions for referral rendered its five decisions during the reporting period. The Referral Bench granted four transfers and denied one transfer. Staff of the Tribunal were involved in an extensive training course of judges and staff of the Special War Crimes Chamber held just prior to its official opening in March 2005, and the Tribunal has continued to assist the Special War Crimes Chamber with its own investigations. The Tribunal has been involved in a number of initiatives to build the judicial capacity of national authorities in the region and has hosted a number of visits by members of the judiciary from Serbia and Montenegro and Croatia. The Tribunal has also been active in the reconciliation process by making the activities of the Tribunal accessible, transparent and relevant to the regions in the former Yugoslavia. The Tribunal also ensures that judgements

are public, compelling in law and seen as fair and well-reasoned by those in the regions making up the former Yugoslavia.

5. The Tribunal has had much success during the reporting period with respect to bringing new indictees to justice before the Tribunal and ensuring that proceedings remain fair to the accused. At the same time, all organs of the Tribunal are improving efficiency in order to move towards the goal of meeting the completion strategy mandate. Continued support from the international community and improved international cooperation with the Tribunal has provided it with increased hope that it will successfully achieve its mandate in full. Still, as the Tribunal moves forward there remain areas of concern, chief among them the continued resistance of some regions in the former Yugoslavia to assist in bringing the remaining fugitives to justice and disclose sensitive documents to the prosecution.

II. Activities involving the entire Tribunal

A. President

6. Judge Theodor Meron continued to perform the functions of President of the Tribunal following his unanimous re-election as President at an extraordinary plenary meeting held on 17 November 2003. During the reporting period President Meron has vigorously pursued the support of the international community for the work of the Tribunal and continued to implement reforms to increase the efficiency of the Tribunal's trials and appeals.

1. Reforms

(a) Internal reforms

7. One significant internal reform during the reporting period involved the amendment to rule 98 bis, Motion for judgement of acquittal. A motion filed by the defence under this rule at the close of the Prosecution's case generally resulted in a three-month delay in the proceedings. The judges of the Tribunal decided to shorten the time frame by which such motions are heard and a decision rendered, by amending the rule to allow the procedure to be dealt with orally, as is done in many common law jurisdictions. The new rule has been applied in the Orić trial and the expected three-month delay in those proceedings was shortened to one week. Another reform aimed at conserving the resources of the Tribunal was the introduction of rule 73 (D), a provision which allows the Registrar to withhold the payment of fees associated with the production of a motion that a Chamber determines as frivolous or an abuse of process.

8. A major technological reform was the introduction of the eCourt system designed to increase the efficiency of trials at the Tribunal by integrating all documents into a central electronic database. In January 2005 the eCourt system was launched in Courtroom I in the Halilović case. The system improves efficiency by increasing the availability, accessibility, dissemination and quality of case information. An analysis of the system in the Halilović case compared to other cases that did not use eCourt revealed a potential savings of 26.7 per cent in total court time. The final assessment is currently being reviewed with the possibility of expanding eCourt into additional proceedings.

9. In the reporting period, there has been increased communication between the Association of Defence Counsel and the Tribunal. While a number of issues remain to be resolved, the Association has brought many concerns and proposals forward and, as a result, this year has been a step forward in considering how the Association of Defence Counsel can be better integrated into the workings and progress of the Tribunal as a whole.

(b) External reforms

10. During the reporting period the Tribunal saw to fruition the Special Chamber for war crimes prosecutions in the new State Court of Bosnia and Herzegovina. Additional efforts were made to build capacity through the training of judges and lawyers in Croatia, Serbia and Bosnia and Herzegovina. The Tribunal has laid the legal and logistical groundwork for the successful transfer of lower-level prosecutions to national jurisdictions. More work will be needed to accomplish this crucial task, which is imperative to successfully meeting the timeline of the completion strategy. The Tribunal has also intensified efforts to make its work accessible and available to persons in the region in order to aid the reconciliation process. This has been achieved through the translation and distribution of materials in the main languages of the region and through the maintenance and fostering of close relations with the local media and Governments.

2. Diplomatic relations and other representation

11. During the reporting period President Meron continued to strengthen the ties of the Tribunal with the Governments of Bosnia and Herzegovina, Croatia and Serbia and Montenegro. President Meron met on several occasions with the President of the Court of Sarajevo, Medzida Kreso, and attended the opening of the Special War Crimes Chamber on 9 March 2005. President Meron met with the Prime Minister of Serbia, Vojislaw Kostunica, and President Boris Tadić in Serbia in March 2005, with the aim of improving cooperation with the Tribunal. President Meron also travelled to Croatia and met with the Prime Minister, the President, the Minister for Foreign Affairs and other dignitaries including judges, in November 2004. Various other meetings between President Meron and government representatives from the region have been held at the Tribunal and have resulted in greater efforts being made by those Governments to cooperate with the Tribunal.

12. The President also attended the ceremony marking the 10-year anniversary of the Srebrenica genocide and was among a number of international dignitaries paying tribute to the victims and their families. The President spoke at the memorial ceremony and reaffirmed the Tribunal's commitment to render justice and uphold the basic principles of human rights. In addition, he repeated the call to capture and bring Ratko Mladić and Radovan Karadžić to The Hague, recognizing that justice cannot be done to the victims without bringing the main perpetrators to trial.

13. At a diplomatic seminar held on 23 June 2005, which over 80 representatives from the diplomatic missions to the Netherlands attended, the members of the diplomatic corps were updated on the activities of the Tribunal. The President, Prosecutor and Registrar addressed the gathering. President Meron advised the diplomats to have their countries put forward names of good candidates to be elected as ad litem judges. He also expressed deep concern surrounding the continuous flight of the three high-level fugitives, Mladić, Karadžić and Gotovina.

He stressed that the Tribunal would not close its doors before trying the three high-level fugitives. Demanding again the arrest of Karadžić and Mladić, the Prosecutor discussed the idea of holding four "mega-trials" (involving eight, nine, six and five accused, respectively) and said that three additional requests under rule 11 bis were being considered. The Registrar discussed the financial situation of the Tribunal and the current challenge in retaining the highly skilled and experienced staff. He said that the Tribunal was making every effort to improve staff retention, and urged the assistance of Governments in entering into enforcement of sentence and witness relocation agreements.

14. President Meron addressed the United Nations General Assembly on 15 November 2004 to present the annual report of the Tribunal covering the period from 1 August 2003 to 31 July 2004. On 23 November 2004 the President submitted the first six-month completion strategy report and addressed the Security Council on the report. On the same day, the Prosecutor also addressed the Security Council. On 25 May 2005, President Meron submitted the second six-monthly assessment and report of the President and the Prosecutor pursuant to Security Council resolution 1534 (2004), setting out in detail the progress made towards the implementation of the completion strategy of the Tribunal. The Tribunal's ability to refer cases to competent national jurisdictions for trial, improved cooperation with the Tribunal by States of the former Yugoslavia, and a continued focus of Tribunal resources on the most senior-level accused all continue to be particularly relevant to the Tribunal's ability to implement the completion strategy in a timely and effectively manner. On 13 June 2005, the President and the Prosecutor reported to the Security Council about the progress of the completion strategy. The President also updated the Security Council on other challenges facing the Tribunal. In addition, the President had a private meeting with the United States Secretary of State, Condoleezza Rice, on 15 June 2005. That meeting followed upon a meeting of the leadership of the two ad hoc Tribunals with Secretary Rice. The Secretary of State confirmed continued support of the Tribunals.

3. Judicial activity

15. By virtue of the powers vested in him by the statute, the Rules of Procedure and Evidence, and the practice directions of the Tribunal, the President issued numerous orders over the past year, such as those assigning cases to the Trial Chambers, establishing the composition of the Appeals Chamber for particular cases and appointing pre-appeal judges. The President also rendered a number of decisions on requests for review of decisions of the Registrar in relation to the assignment or removal of defence counsel and communication bans.

16. The President granted requests for early release for Miroslav Tadić on 3 November 2004, Miroslav Kvočka on 30 March 2005 and Stevan Todorović on 22 June 2005. In each case, the prisoner had served at least two thirds of his sentence. On 8 February 2005, the President denied the request for early release of Esad Landzo.

B. Bureau

17. Pursuant to rule 23, the Bureau is composed of the President, the Vice-President and the presiding judges of the three trial chambers. Following the

direction of rule 23, the President consults the members of the Bureau on all major questions relating to the functioning of the Tribunal.

18. During the reporting period the Bureau met to discuss numerous issues regarding the proper administration of the Tribunal. The Bureau also issued a decision on requests for the disqualification of judges in the Šešelj case.

19. Pursuant to rule 28, the Bureau reviewed seven indictments submitted by the Prosecutor. In all instances the Bureau concluded that the seniority criterion was satisfied, and the indictments were referred for review and confirmation pursuant to rule 47 of the Rules of Procedure and Evidence.

C. Coordination Council

20. Pursuant to rule 23 bis of the Rules of Procedure and Evidence, the Coordination Council consists of the President, the Prosecutor and the Registrar.

21. The Council provides a venue for the principal organs of the Tribunal to discuss regularly issues regarding the efficient operation of the Tribunal with the aim of working together to ensure the smooth functioning of the Tribunal. During the reporting period the Council met on 23 March and 7 June 2005. The Council addressed a broad range of issues, including budgetary concerns, the hiring freeze, organization-wide efforts to meet the completion strategy, efficiency within the court system and corresponding working groups, and coordination of mandated reports and visits to the General Assembly and Security Council.

D. Plenary sessions

22. The judges held two regular plenary sessions, the 31st on 8 December 2004, which continued on 11 February 2005, and the 32nd on 21 July 2005.

23. At the 31st plenary session, held on 8 December 2004 and 11 February 2005, numerous issues were discussed including the impact of the hiring freeze on the work of the Tribunal and the morale of its staff, the redeployment of posts from the Office of the Prosecutor to Chambers and general staffing shortages, the efficiency of trials, the election of ad litem judges, the Tribunal's relations with courts in the region and 11 bis transfers of cases, the legal aid systems and recent amendments to the Rules of Procedure and Evidence and the directive on the assignment of defence counsel, introducing concrete provisions in relation to qualifications of defence counsel, competence of Chambers to check representation by counsel on the basis of obstructive behaviour or lack of competence, the introduction of a system of duty counsel for the initial appearance and the mandatory requirement to master one of the two working languages of the Tribunal for assigned lead counsel. Rule amendments were also debated (see report of the Rules Committee below).

24. At the 32nd plenary session, held on 21 July 2005, the President reported on his statement to the Security Council, his meeting and discussions with international dignitaries and foreign ministers, and his visit to Srebrenica to mark the 10-year anniversary. The plenary also discussed the possibility of adding a fourth courtroom and the recommendations of the working groups on speeding up trials and appeals. Judge Mumba spoke extensively on a number of proposals of the appeals working group aimed at making the appeals process more efficient. The proposals of the

working group received the support of all judges and the working group will undertake the implementation phase of its work. The working group on speeding up trials is still awaiting consultations with the Association of Defence Counsel before its report can be completed.

25. The Registrar reported on payments of member States, outreach activities and the work of the Registry with the Association of Defence Counsel on the rules of detention and on the assignment of defence counsel. He presented a number of amendments to the rules governing detention of persons awaiting trial or appeal. The proposed amendments made the Bureau responsible for appointing a judge or the Registrar to carry out detention inspections and report back to it. Other amendments were to rule 42, the provision relating to requests for segregation by detainees; rule 57 (c) and a new rule 65 relating to the monitoring of detainee communications. The amendments were adopted by the judges.

26. The Association of Defence Counsel also made a statement to the judges at the plenary praising the progress it had made with the Registry in implementing reforms and urging judicial support for much needed reforms on which progress still needed to be made.

E. Rules Committee

27. The judicial membership of the Rules Committee has not changed during the current reporting period; it comprises Judge Agius (Chair), President Meron and Judges El Mahdi, Kwon and Parker.

28. The non-voting members of the Rules Committee are two representatives each of the Office of the Prosecutor, the Registry and the Association of Defence Counsel.

29. At the 31st session of the plenary, in December 2004, the judges approved amendments to rules 73 (D) and 98 bis. The most important amendment was to rule 98 bis which aimed at speeding up the process by which a Trial Chamber shall enter a judgement of acquittal on any count if there is no evidence capable of supporting a conviction at the close of the prosecution's case. All amendments made at that session may be found in Tribunal document IT/233.

30. At the resumption of the 31st plenary session, in February 2005, the judges amended rule 11 bis and rule 124. The most significant of the amendments, to rule 11 bis, requires the President to designate a "Referral Bench" of three permanent judges selected from the Trial Chambers, rather than a Trial Chamber, to determine whether a case should be referred to the authorities of a State and whose decisions whether or not to refer a case may be appealed as of right. All amendments made at that session may be found in Tribunal document IT/234.

31. In addition, an amendment to rule 28 was made by unanimous agreement of the judges pursuant to rule 6 (B). The amendment may be found in Tribunal document IT/235.

32. At the 32nd session, in July 2005, the Rules Committee proposed a number of amendments which were adopted. Rule 15 (B), the provision relating to the disqualification of a judge at the request of a party, was amended to confer the decision on another Trial Chamber than the Chamber of which the challenged judge

is a member. This took the function of determination away from the Bureau as in the original rule. Rules 42 (A) and 43 (i) were amended to harmonize with rule 62 by removing the requirement that the accused speak the language in which he is informed of his rights and of the fact that an interview is audio or video recorded. A number of rules, 15 (C), (D), 54 bis, 65 (D), (E), 72 (E) and 127, were amended to remove the requirement that a party seek leave from a bench of three judges for the right to appeal certain decisions. The amendments are based on a combination of judicial economy and expedition in a way that strengthens the rights of the accused.

III. Activity of the Chambers

A. Composition of the Chambers

33. The Tribunal has 25 judges in total. The Chambers of the Tribunal are composed of 14 permanent judges, 2 judges of the International Criminal Tribunal for Rwanda serving in the Tribunal's Appeal Chamber (Judges Mehmet Güney (Turkey) and Inés Mónica Weinberg de Roca (Argentina)) and up to 9 ad litem judges. Judge Andresia Vaz (Senegal) was assigned on 15 July 2005 by order of President Mose of the Tribunal for Rwanda to replace Judge Weinberg de Roca as one of the two judges of that Tribunal making up the seven-member bench of the shared Appeals Chamber of the two Tribunals. The replacement will take effect on 15 August 2005.

34. Twelve of the 14 permanent judges were re-elected in November 2004: Theodor Meron (President, United States of America), Fausto Pocar (Vice-President, Italy), Patrick Lipton Robinson (Presiding Judge, Jamaica), Carmel A. Agius (Presiding Judge, Malta), Liu Daqun (Presiding Judge, China), Mohamed Shahabuddeen (Guyana), Alphonsus Martinus Maria Orie (Netherlands), Wolfgang Schomburg (Germany), O-gon Kwon (Republic of Korea), Jean-Claude Antonetti (France), Kevin Parker (Australia) and Iain Bonomy (United Kingdom). Judge Amin El Mahdi (Egypt) was not re-elected as permanent judge of the Tribunal and Judge Florence Ndepele Mwachande Mumba (Zambia) did not stand for re-election; they will be replaced in November 2005 with currently acting ad litem Judge Christine Van den Wyngaert (Belgium) and Judge Bakone Melema Moloto (South Africa), who were also elected in November 2004.

35. The ad litem judges during the reporting period have been Ivana Janu (Czech Republic), Chikako Taya (Japan), Volodymyr Vassylenko (Ukraine), Carmen Maria Argibay (Argentina), Joaquín Martín Canivell (Spain), Vonimbolana Rasoazanany (Madagascar), Bert Swart (Netherlands), Krister Thelin (Sweden), Christine Van den Wyngaert (Belgium), Hans Henrik Brydensholt (Denmark), Albin Eser (Germany), Claude Hanoteau (France) and György Szénási (Hungary).

36. At the beginning of the reporting period Trial Chamber I was composed of three permanent judges, Judges Liu Daqun (presiding), Amin El Mahdi and Alphonsus Orie, and three ad litem judges, Judges Carmen Argibay, Volodymyr Vassylenko and Joaquín Martín Canivell. Judges Argibay and Vassylenko were replaced in March 2005 by Judges Claude Hanoteau and György Szénási. Judge Szénási resigned from the Tribunal in May 2005 and was replaced for the purposes of the ongoing case by Judge Mumba.

37. At the beginning of the reporting period Trial Chamber II was composed of three permanent judges, Judges Carmel Agius (presiding), Jean-Claude Antonetti and Kevin Parker, and six ad litem judges, Judges Ivana Janu, Chikako Taya, Vonimbolana Rasoazanany, Bert Swart, Krister Thelin and Christine Van den Wyngaert. Judges Janu and Taya were replaced during the reporting period by Judges Hans Henrik Brydensholt and Albin Eser. The Chamber consists of three sections: section 1 of Trial Chamber II is composed of Judges Agius (presiding), sitting first with Judges Janu and Taya, then with Judges Brydensholt and Eser; section 2 is composed of Judges Antonetti (presiding), Rasoazanany and Swart; and section 3 is composed of Judges Parker (presiding), Thelin and Van den Wyngaert.

38. Trial Chamber III is composed of three permanent judges, Judges Patrick Robinson (presiding), O-gon Kwon and Iain Bonomy.

39. Lastly, the Appeals Chamber is composed of Judges Theodor Meron (presiding), Fausto Pocar, Mohamed Shahabuddeen, Florence Ndepele Mwachande Mumba, Mehmet Güney, Wolfgang Schomburg and Inés Mónica Weinberg de Roca.

B. Principal activity of the Chambers

40. Table 1 in annex I shows the cases dealt with by the three Trial Chambers during the reporting period.

41. Table 2 in annex I shows the cases dealt with by the Appeals Chamber during the reporting period.

1. Trial Chambers

42. The Tribunal has three courtrooms, and normally six trials are in session at any time, three trials sitting in the morning and three in the afternoon. During the reporting period, the Trial Chambers worked on 37 merits cases and 5 contempt cases and rendered 3 final judgements on the merits. The President has also constituted a rule 11 bis Referral Bench comprising Judges Alphonsus Orie, O-gon Kwon and Kevin Parker. The Prosecutor originally proposed that nine cases be referred to other courts. Those cases involved 18 accused, three of whom are still at large. However, the Prosecutor has since withdrawn one application involving three accused. There have been four rule 11 bis referral decisions ordered in the Mejakić et al., Stanković and Janković, and Rašević and Todović cases. The referrals are pending appeal. The 11 bis transfer was denied in the Dragomir Milošević case.

(a) Merits cases

(1) Ademi and Norac case

43. The case is assigned to Trial Chamber I and Judge Liu Daqun is the pre-trial Judge.

44. On 2 September 2004, the Prosecutor moved for referral of the case against Ademi and Norac to Croatia pursuant to Rule 11 bis of the Rules of Procedure and Evidence. The Referral Bench is currently deliberating.

(2) Beara case

45. Ljubiša Beara's initial appearance was on 11 November 2004, at which he entered a plea of not guilty to all counts in the indictment. The case is assigned to Trial Chamber III and Judge Bonomy is the pre-trial Judge.

46. On 10 June 2005, the prosecution filed a motion seeking joinder of this case with those of Vujadin Popović, Drago Nikolić, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić and Milan Gvero and Vinko Pandurević and Milorad Trbić and for all nine accused to be jointly charged and tried under one joint indictment. On 29 June 2005, the President of the Tribunal issued an order referring the joinder motion to Trial Chamber III composed of the presiding judges of the Trial Chambers.

(3) Blagojević and Jokić (Dragan) case

47. The trial against Colonel Vidoje Blagojević and Major Dragan Jokić came to an end on 1 October 2004. The judgement was delivered on 17 January 2005 by Trial Chamber I, composed of Judge Liu Daqun (presiding), Judge Vassylenko and Judge Argibay.

48. The Trial Chamber acquitted Blagojević of one count of extermination as a crime against humanity, but found him guilty under article 7 (1) of the remaining counts of complicity to commit genocide, crimes against humanity and violations of the laws or customs of war. He was sentenced to 18 years' imprisonment. Jokić was acquitted of one count of murder as a crime against humanity but was found guilty of the remaining counts of crimes against humanity and violations of the laws or customs of war and was sentenced to nine years' imprisonment. Both convicted persons and the Prosecutor subsequently appealed the judgement and the sentence. The case is currently pending appeal.

(4) Borovčanin case

49. Ljubomir Borovčanin was transferred to the Tribunal on 1 April 2005. On 5 May 2005, the accused pleaded not guilty to all counts.

50. The case is assigned to Trial Chamber II and Judge Antonetti is the pre-trial Judge.

51. On 10 June 2005, the prosecution filed a motion seeking joinder of this case with those of Vujadin Popović, Ljubiša Beara, Drago Nikolić, Zdravko Tolimir, Radivoje Miletić and Milan Gvero and Vinko Pandurević and Milorad Trbić and for all nine accused to be jointly charged and tried under one joint indictment. On 29 June 2005, the President of the Tribunal issued an order referring the joinder motion to Trial Chamber III composed of the presiding judges of the Trial Chambers.

(5) Boškoski and Tarčulovski case

52. The indictment against Ljube Boškoski and Johan Tarčulovski was confirmed on 9 March 2005. Tarčulovski was transferred to the Tribunal on 16 March 2005 and Boškoski on 24 March 2005. Tarčulovski pleaded not guilty to all counts on 18 April 2005, and Boškoski pleaded not guilty to all counts on 1 April 2005.

53. The case is assigned to Trial Chamber II and Judge Eser is the pre-trial Judge.

(6) Bralo case

54. Miroslav Bralo surrendered voluntarily on 12 November 2004 and was transferred to the Tribunal on the following day. He appeared on 13 December 2004 and pleaded not guilty to all counts in the indictment.

55. On 19 July 2005 during a status conference, Bralo changed his plea to a plea of guilty to each of the eight counts included in the amended indictment. Trial Chamber I, consisting of Judges Liu Daqun (presiding), Orie and El Mahdi, accepted the guilty plea and a sentencing hearing will be held in October 2005.

(7) Brđanin case

56. The judgement against Radoslav Brđanin was delivered by Trial Chamber II, composed of Judge Agius (presiding), Judge Janu and Judge Taya on 1 September 2004.

57. The Trial Chamber acquitted Brđanin, inter alia, of genocide, complicity in genocide and extermination but found him guilty of persecutions as a crime against humanity (incorporating torture, deportation and inhumane acts, grave breaches of the 1949 Geneva Conventions, and violations of the laws or customs of war). He was sentenced to a single sentence of 32 years' imprisonment. Appeals by the prosecution and defence are currently pending before the Appeals Chamber.

(8) Čermak and Markač case

58. On 2 December 2004, the Appeals Chamber overturned the Trial Chamber's decision on provisional release and ordered that the accused be provisionally released under various terms and conditions.

59. The case is assigned to Trial Chamber II and Judge Parker is the pre-trial Judge.

(9) Delić case

60. Rasim Delić was indicted on 15 February 2005 and is charged on the basis of his superior or command responsibility pursuant to article 7 (3) of the statute with four counts of violations of the laws or customs of war. Following his transfer to The Hague on 28 February 2005, an initial appearance was held on 3 March 2005 at which the accused entered a plea of not guilty to all charges. The case is assigned to Trial Chamber III and Judge Kwon is the pre-trial Judge

61. On 6 May 2005, the accused was granted provisional release.

(10) Hadžihasanović and Kubura case

62. The case is assigned to Trial Chamber II, composed of Judge Antonetti (presiding), Judge Swart and Judge Rasoazanany.

63. The Hadžihasanović defence opened its case on 18 October 2004 and closed on 11 April 2005. The Kubura defence case opened on 11 April 2005 and closed on 15 July 2005.

(11) Halilović case

64. The case was originally assigned to Trial Chamber III but was transferred to Trial Chamber I in January 2005 for trial. The trial commenced on 31 January 2005 in Trial Chamber I before Judge Liu Daqun (presiding), Judge El Mahdi and Judge

Szénási. Judge Szénási resigned because of ill health on 27 May 2005, effective as from 30 May, and was replaced by Judge Mumba pursuant to the President's order of 31 May 2005.

65. The prosecution's case ended on 2 June 2005. The defence case ended 14 July 2005. Closing arguments are scheduled for 25 and 26 August 2005.

(12) Haradinaj, Balaj and Brahimaj case

66. Ramush Haradinaj and Lahi Brahimaj surrendered themselves to the Tribunal on 9 March 2005. Idriz Balaj, who was serving a sentence pursuant to a conviction in 2002, was also transferred to the Tribunal on 9 March 2005. The indictment confirmed on 4 March 2005 charged the accused with 37 counts of crimes against humanity and violations of the laws or customs of war. On 21 April 2005, counsel for Haradinaj filed a motion for provisional release, and the Trial Chamber granted the motion on 6 June 2005.

67. This case is assigned to Trial Chamber II and Judge Brydensholt is the pre-trial Judge.

(13) Kovačević case

68. The case is assigned to Trial Chamber I and Judge Orie is the pre-trial Judge.

69. The Trial Chamber provisionally released Vladimir Kovačević in June 2004 and returned him to Serbia on the condition that he submit to psychiatric treatment for a mental disorder in a health institution for an initial period of six months, by the end of which the Referral Bench wished to ascertain anew his fitness to stand trial. After the expiration of the six-month treatment period, two independent medical experts filed a new report on 20 January 2005, stating that the accused was fit to enter a plea and to stand trial. The defence then called another medical expert who concluded that the accused was still unable to understand the nature of the proceedings against him. A Trial Chamber hearing was held on 13 April 2005 to discuss the options for further action.

70. On 28 October 2004 the Prosecutor moved for referral of the case to Serbia and Montenegro pursuant to rule 11 bis of the Rules of Procedure and Evidence. The Referral Bench has however refrained from considering this motion until the question of Kovačević's fitness to stand trial has been determined.

(14) Krajišnik case

71. The case is assigned to Trial Chamber I, composed of Judge Orie (presiding), Judge El Mahdi and Judge Canivell. Judge El Mahdi withdrew from the case on 14 January 2005 and was replaced by Judge Hanoteau.

72. The Trial Chamber issued a scheduling order on 26 April 2005, according to which the prosecution's case would be completed on 22 July 2005. The defence case shall then begin in September 2005, closing arguments are to be heard in March 2006 and the judgement is to be rendered in April 2006.

(15) Limaj, Bala and Musliu case

73. The trial in this case commenced on 15 November 2004 before Judge Parker (presiding), Judge Thelin and Judge Van den Wyngaert.

74. The case for the prosecution was completed on 13 April 2005. The case for the defence was complete on 27 June 2005 and final oral submissions are scheduled for 29 August to 2 September 2005.

(16) Ljubičić case

75. The case is assigned to Trial Chamber I and Judge El Mahdi is the pre-trial Judge.

76. On 21 July 2005, the Prosecutor filed a request to refer the case to Bosnia and Herzegovina pursuant to rule 11 bis.

(17) Martić case

77. The case is assigned to Trial Chamber I and Judge Canivell is the pre-trial Judge.

78. On 25 April 2005, the accused applied for provisional release.

(18) Mejakić, Gruban, Fuštar and Knežević case

79. On 2 September 2004, the Prosecutor filed a motion in which she requested referral of the case against the four accused to the authorities of Bosnia and Herzegovina pursuant to rule 11 bis. After a considerable process of briefing and hearings, on 20 July 2005 the Referral Bench granted the Prosecutor's motion to refer the case to Bosnia and Herzegovina pursuant to rule 11 bis.

(19) Milošević (Dragomir) case

80. The case is assigned to Trial Chamber II and Judge Antonetti is the pre-trial Judge.

81. On 31 January 2005, the prosecution filed a motion under rule 11 bis for referral of the indictment against Dragomir Milošević to the authorities of Bosnia and Herzegovina for prosecution in their own courts. The rule 11 bis request was denied on 8 July 2005.

(20) Milošević (Slobodan) case

82. The case is assigned to Trial Chamber III, composed of Judge Robinson (presiding), Judge Kwon and Judge Bonomy. The defence case (which was delayed owing to the ill health of the accused) commenced with his opening statement on 31 August 2004.

83. In order to assist the Trial Chamber in ensuring that the accused receives a fair and expeditious trial and in order to aid the accused in his defence, the Trial Chamber from the beginning of the case had ordered the appointment of *amici curiae* and granted the accused's request for the assistance of "legal associates" (all lawyers), with whom the accused enjoys privileged communications. Moreover, throughout the case, the Trial Chamber has been in consultation with the Registry to ensure that the accused is afforded all the assistance and resources necessary to conduct his defence, and unprecedented facilities have been made available to the accused for this purpose.

84. Owing to the frequent interruptions and delays in the case caused by the accused's chronic health condition coupled with his decision to represent himself, the Trial Chamber decided to conduct a review of the proceedings with respect to his decision to represent himself. After extensive submissions, as well as detailed

medical evaluations by independent specialist physicians, the Trial Chamber decided that, in order to safeguard the accused's right to a fair trial, it was necessary to assign him counsel in order to assist him in his defence. Two of the *amici curiae* were appointed as counsel for the defence. Following a challenge of this decision by the accused, in November 2004 the Appeals Chamber upheld the assignment of counsel, but reversed a subsequent order of the Trial Chamber regarding the modalities by which assigned counsel would fulfil their mandate.

85. The Trial Chamber has ordered that the accused have the same amount of time to present his defence case as the prosecution had to present its case. The parties have indicated that they intend to bring cases in rebuttal and rejoinder, after the close of the defence case.

(21) Milutinović, Ojdanić and Šainović case

86. The case is assigned to Trial Chamber III and Judge Bonomy is the pre-trial Judge.

87. In December 2004, Milan Milutinović filed his second application for provisional release, Dragoljub Ojdanić filed his fourth application for provisional release and Nikola Šainović filed his third application for provisional release. Following an oral hearing, the Trial Chamber provisionally released all three accused on 14 April 2005, subject to a stay pending possible appeal by the prosecution. The prosecution notified the Trial Chamber on 15 April 2005 that it would not be appealing the Trial Chamber's decision and the accused were then released.

88. On 1 April 2005, the prosecution filed a motion seeking joinder of this case with that of Nebojša Pavković, Vladimir Lazarević, Vlastimir Đorđević and Sreten Lukić, and for all seven accused to be jointly charged and tried under one joint indictment. On 8 July 2005 the Trial Chamber granted the prosecution motion for the accused Milutinović, Ojdanić, Šainović, Pavković, Lazarević, Đorđević and Lukić to be jointly charged and tried on one joint indictment and ordered the prosecution to submit a consolidated indictment to the Trial Chamber by 15 August 2005.

(22) Mrkšić, Radić and Šljivančanin case

89. This case is assigned to Trial Chamber II and Judge Agius is the pre-trial Judge. The trial is now scheduled to commence early in October 2005.

90. On 8 February 2005, the prosecution filed a request with the Referral Bench to refer the case to the State Union of Serbia and Montenegro, or to the Republic of Croatia pursuant to rule 11 bis. On 9 June 2005, the Prosecutor moved for withdrawal of its request for referral and on 30 June 2005, the Referral Bench granted the request.

(23) Dragan (Drago) Nikolić case

91. Drago Nikolić surrendered on 15 March 2005 and was subsequently transferred to the custody of the Tribunal on 17 March 2005. His second initial appearance was on 20 April 2005, where he pleaded not guilty to all five counts in the indictment.

92. The case is assigned to Trial Chamber I and Judge Liu Daqun is the pre-trial Judge.

93. On 10 June 2005, the prosecution filed a motion seeking joinder of this case with those of Vujadin Popović, Ljubiša Beara, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić and Milan Gvero and Vinko Pandurević and Milorad Trbić and for all nine accused to be jointly charged and tried under one joint indictment. On 29 June 2005, the President of the Tribunal issued an order referring the joinder motion to Trial Chamber III composed of the presiding judges of the Trial Chambers.

(24) Orić case

94. Naser Orić is accused of violations of the laws or customs of war against Bosnian Serbs in and around Srebrenica. The pre-trial case originally commenced in Trial Chamber III but was transferred to Trial Chamber II for trial. The trial began on 6 October 2004 before Judge Agius (presiding), Judge Brydensholt and Judge Eser.

95. The prosecution concluded its case on 31 May 2005. On 8 June 2005 the Trial Chamber rendered its rule 98 bis oral decision. It acquitted the accused of both counts of alleged plunder of public or private property and ordered the continuation of the case in relation to the other counts set out in the indictment. The defence case began on 4 July 2005 and the Appeals Chamber granted an interlocutory appeal on 20 July 2005 that will allow the defence to call more witnesses and discuss more issues than originally outlined by the Trial Chamber.

(25) Pandurević and Trbić case

96. Vinko Pandurević was transferred to the seat of the Tribunal on 23 March 2005, and Milorad Trbić was transferred on 7 April 2005. An order dated 24 March 2005 confirmed a new indictment against Pandurević and Trbić. Pandurević pleaded not guilty to all the charges on 3 May 2005 and on 11 May Trbić pleaded not guilty to all charges.

97. The case is before Trial Chamber II and Judge Antonetti is the pre-trial Judge.

98. On 10 June 2005, the prosecution filed a motion seeking joinder of this case with those of Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić and Milan Gvero and for all nine accused to be jointly charged and tried under one joint indictment. On 29 June 2005, the President of the Tribunal issued an order referring the joinder motion to Trial Chamber III composed of the presiding judges of the Trial Chambers.

(26) Pavković, Lazarević, Đorđević and Lukić case

99. Three of the four accused have surrendered and have been transferred to the Tribunal during the reporting period: Vladimir Lazarević arrived on 3 February 2005, Sreten Lukić on 4 April 2005, and Nebojša Pavković on 25 April 2005. Vlastimir Đorđević remains at large.

100. The case commenced in Trial Chamber II but was transferred to Trial Chamber III on 24 February 2005. Judge Bonomy is the pre-trial Judge. Vladimir Lazarević entered a plea of not guilty to all counts of the indictment at his initial appearance on 7 February 2005 before Trial Chamber II. On 4 May 2005, Sreten Lukić entered a plea of not guilty to all charges. Nebojša Pavković's initial appearance was held on 28 April 2005, at which he entered a plea of not guilty to all charges.

101. Vladimir Lazarević's request for provisional release was filed on 22 March 2005, and was granted on 14 April 2005. Pavković and Lukić applied for provisional release on 10 June 2005 and 20 May 2005, respectively.

102. On 1 April 2005, the prosecution filed a motion seeking joinder of this case with that of Milan Milutinović, Dragoljub Ojdanić and Nikola Šainović, and for all seven accused to be jointly charged and tried under one joint indictment. On 8 July 2005 the Trial Chamber granted the prosecution motion for all of the accused to be jointly charged and tried on one joint indictment and ordered the prosecution to submit a consolidated indictment to the Trial Chamber by 15 August 2005.

(27) Perišić case

103. Following Momčilo Perišić's transfer to the Tribunal on 7 March 2005, an initial appearance was held on 9 March 2005 at which the accused entered a plea of not guilty to all charges. The case is assigned to Trial Chamber III and Judge Robinson is the pre-trial Judge. On 9 June 2005, the Trial Chamber granted the accused's motion for provisional release.

(28) Popović case

104. At his initial appearance on 18 April 2005, Vujadin Popović entered a plea of not guilty to all charges.

105. The case is assigned to Trial Chamber III and Judge Kwon is the pre-trial Judge.

106. On 10 June 2005, the prosecution filed a motion seeking joinder of this case with those of Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić, Milan Gvero, Vinko Pandurević and Milorad Trbić and for all nine accused to be jointly charged and tried under one joint indictment. On 29 June 2005, the President of the Tribunal issued an order referring the joinder motion to Trial Chamber III composed of the presiding judges of the Trial Chambers.

107. Vujadin Popović's request for provisional release was filed on 22 June 2005, but was refused by the Trial Chamber on 22 July 2005 on the basis that the Trial Chamber was not satisfied that the accused would appear for trial if released. The defence submitted an application for leave to appeal against the decision of the Trial Chamber on 27 July 2005.

(29) Prlić, Stojić, Praljak, Petković, Ćorić and Pušić case

108. The case is assigned to Trial Chamber I and Judge Liu Daqun is the pre-trial Judge.

109. On 15 December 2004, the defence counsels filed 16 preliminary motions challenging the form of the indictment and the Tribunal's jurisdiction, and calling for severance of the cases. The request for severance has been denied and a request for certification to appeal the Trial Chamber's decision has been filed. On 22 July 2005 the Chamber issued its decision on the defence preliminary motions on the form of the indictment.

(30) Rajić case

110. On 28 July 2005 the Office of the Prosecutor filed an 11 bis motion on Ivica Rajić for referral to the authorities of Bosnia and Herzegovina.

(31) Rašević and Todović case

111. Mitar Rašević and Savo Todović are both charged with crimes against humanity and violations of the laws or customs of war for events at the Foča Kazneno-Popravni Dom (Bosnia and Herzegovina). Todović was transferred to the Tribunal on 15 January 2005 and pleaded not guilty to all charges on 17 February 2005.

112. The case is assigned to Trial Chamber II and Judge Antonetti is the pre-trial Judge.

113. In November 2004 the prosecution moved for referral of the case under rule 11 bis to the authorities of Bosnia and Herzegovina. The motion to refer was granted on 8 July 2005 by the Referral Bench and is currently on appeal.

(32) Šešelj case

114. The case is assigned to Trial Chamber II and Judge Agius is the pre-trial Judge.

115. On 19 July 2005, the prosecution filed a motion seeking joinder of this case with those of Milan Martić, Jovica Stanišić and Franko Simatović, and for all four accused to be jointly charged and tried under one joint indictment. The joinder issue is still pending.

(33) Stanišić (Jovica) and Simatović case

116. The case is assigned to Trial Chamber III and Judge Kwon is the pre-trial Judge.

117. On 3 December 2004, the Appeals Chamber dismissed the prosecution's appeal against the Trial Chamber's decisions granting provisional release and ordered the release of both accused.

118. On 1 June 2005, the prosecution filed a motion seeking joinder of this case with those of Milan Martić and Vojislav Šešelj and for all four accused to be jointly charged and tried under one joint indictment. On 4 and 7 July 2005, the President of the Tribunal referred the joinder motion in all three cases to Trial Chamber III composed of the presiding judges of the Trial Chambers.

(34) Stanišić (Mićo) case

119. Mićo Stanišić surrendered and was transferred to the seat of the Tribunal on 11 March 2005. In the indictment issued on 24 February 2004, he is alleged to be responsible for crimes against humanity and violations of the laws or customs of war. During his initial appearance on 17 March 2005, Stanišić pleaded not guilty to all counts. On 19 July 2005, Stanišić was granted provisional release by Trial Chamber II.

120. This case is assigned to Trial Chamber II and Judge Thelin is the pre-trial Judge.

(35) Stanković and Janković case

121. Gojko Janković surrendered on 14 March 2005. He had his first initial appearance on 18 March 2005, where he requested 30 days to consider his plea. He then had his second initial appearance on 15 April 2005, where he pleaded not guilty to all counts.

122. The case is assigned to Trial Chamber I and Judge El Mahdi was the pre-trial Judge.

123. On 21 September 2004, the Prosecutor moved for referral of the case against Radovan Stanković pursuant to rule 11 bis. The Referral Bench decided on 17 May 2005 to refer the case against Stanković to the State Court of Bosnia and Herzegovina in Sarajevo. The decision is appealed on its merits by Stanković, whereas the Prosecutor appealed the part in the decision according to which the Prosecutor is ordered to monitor the process in Sarajevo and report regularly to the Referral Bench.

124. The Prosecutor moved on 29 November 2004 for referral of the case against Janković to Bosnia and Herzegovina. On 22 July 2005, the Referral Bench granted the transfer of Janković pursuant to rule 11 bis.

(36) Strugar case

125. The judgement was delivered by Trial Chamber II, composed of Judge Parker (presiding), Judge Thelin and Judge Van den Wyngaert, on 31 January 2005.

126. In its judgement the Trial Chamber found that it had not been established that Pavle Strugar was responsible under article 7 (1) of the statute for having ordered or aided and abetted the unlawful shelling of the Old Town of Dubrovnik. Strugar was found guilty, however, pursuant to article 7 (3) of the statute of two counts of attacks on civilians and destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science. As commander of the forces involved he was found not to have prevented the attacks or not to have punished those involved. The accused was sentenced to eight years' imprisonment.

127. Appeals by the prosecution and defence are currently pending before the Appeals Chamber.

(37) Tolimir, Miletić and Gvero case

128. The indictment against Zdravko Tolimir, Radivoje Miletić and Milan Gvero was confirmed on 10 February 2005. The accused are charged with violations of the laws or customs of war and crimes against humanity. Gvero and Miletić surrendered and were transferred to the Tribunal on 24 and 28 February 2005, respectively. On 2 March 2005, Gvero pleaded not guilty to all counts, and Miletić pleaded not guilty to all counts on 14 April 2005. On 19 July 2005, Miletić and Gvero were granted provisional release.

129. The case is assigned to Trial Chamber II and Judge Van den Wyngaert is the pre-trial Judge.

130. On 10 June 2005, the prosecution filed a motion seeking joinder of this case with those of Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin and Vinko Pandurević and Milorad Trbić and for all nine accused to be jointly charged and tried under one joint indictment. On 29 June 2005, the President of the Tribunal issued an order referring the joinder motion to Trial Chamber III composed of the presiding judges of the Trial Chambers.

(b) Contempt cases

(1) Beqe Beqaj case

131. Beqe Beqaj was indicted on 21 October 2004 for contempt or attempted contempt pursuant to rule 77 of the Rules of Procedure and Evidence for allegedly interfering or, in the alternative, attempting to interfere with potential witnesses in the trial against Limaj, Bala and Musliu. The indictment against him was confirmed on 29 October 2004 and he was arrested in Kosovo on 4 November 2004 by KFOR and brought to the Tribunal, where he had his initial appearance the following day. The President then assigned the case to Trial Chamber I. He was provisionally released on 7 March 2005 and called back for trial on 22 April 2005.

132. The trial started on 25 April 2005 and lasted five days. The Trial Chamber was satisfied beyond a reasonable doubt that the accused, knowingly and wilfully, had interfered with one witness and thereby had interfered with the administration of justice. The Chamber rendered its judgement on 5 May 2005 and found Beqaj guilty of contempt but acquitted him for incitement to contempt, and sentenced him to four months' imprisonment, which had already been served in pre-trial detention. He was released the following day.

(2) Bulatović case

133. Kosta Bulatović, a witness in the Milošević trial before Trial Chamber III, was charged with knowingly and wilfully interfering with the administration of justice on 19 and 20 April 2005, by contumaciously refusing to answer questions asked by the prosecution, contrary to rule 77 (A) (i) of the Rules. Pursuant to rule 77, Trial Chamber III decided to prosecute the matter. The trial was held on 6 May 2005. On 13 May 2005, Trial Chamber III issued its decision in which it found that the respondent was in contempt of the Tribunal. The Trial Chamber imposed a sentence of four months' imprisonment, but suspended the operation of that sentence for a period of two years. This decision and sentence are subject to appeal.

(3) Maglov case

134. Milka Maglov, a former defence co-counsel in the Brđanin case, was charged with contempt pursuant to rules 77 (A) (ii) and (iv) for allegedly intimidating a witness in that case and disclosing to the general public the identity of that same witness, in knowing violation of an order of a Trial Chamber.

135. The contempt case against Maglov was adjourned by Trial Chamber II on 15 July 2004. The matter was assigned to Trial Chamber III on 22 September 2004 after Trial Chamber II dissolved upon the issuance of its judgement in Brđanin. On 13 December 2004, the *amicus curiae* Prosecutor, supported by the defence, requested that the orders instigating proceedings against Maglov be vacated and that proceedings in this case be terminated. The Trial Chamber granted the request.

(4) Marijačić and Rebić case

136. On 5 May 2005, the President assigned the case against Ivica Marijačić and Markica Rebić to Trial Chamber III. The indictment against the respondents, dated 25 January 2005, alleges that on 18 November 2004 the newspaper *Hrvastki List* published evidence heard in closed session during proceedings in the Blaškić trial. The prosecution alleges that both respondents were aware that disclosure of the identity of the protected witness and his testimony was carried out in violation of

orders of the Trial Chamber, thereby knowingly and wilfully interfering with the administration of justice. Both respondents are charged with one count for contempt of the Tribunal punishable under rule 77 (A) (ii). At the initial appearance held on 14 June 2005, both respondents pleaded not guilty.

(5) Šešelj (Stjepan) and Margetić case

137. Stjepan Šešelj and Domagoj Margetić, publisher and editor, respectively, of the Croatian weekly magazine *Hrvatsko Slovo*, were indicted on 1 February 2005 for contempt for having disseminated excerpts of closed-session testimony of a protected witness in the Blaškić case. Both of the accused initially appeared before the Tribunal on 14 June 2005 and pleaded guilty to the two counts of contempt raised in the indictment. The case is pending before Trial Chamber I.

2. Appeals

138. The Appeals Chamber disposed of 23 interlocutory appeals and 5 appeals from judgement (Babić, Deronjić, Dragan Nikolić, Kordić and Čerkez, and Kvočka et al.) during the reporting period. Currently there are 11 interlocutory appeals, one appeal from contempt, two appeals from referral decisions and nine appeals from judgement pending. Three of the pending appeals from judgement were filed with the Appeals Chamber during the current reporting period. The other six appeals pending date from the previous reporting period.

(a) Interlocutory appeals

139. There were four confidential interlocutory appeals considered and disposed of during the reporting period. Three more are still pending.

140. There were 18 additional interlocutory appeals in the following cases: Boškoski and Tarčulovski; Čermak and Markač; Hadžihasanović; Halilović; Krajišnik; Mejakić et al.; Milošević (Slobodan); Mrkšić; Orić; Pandurević and Trbić; Popović; Prlić et al.; Prlić et al. (Stojić); Rajić; Šešelj; Stanišić and Simatović; Todović; and Tolimir et al. For more information please visit http://www.un.org/icty/cases-e/index-e.htm.

(b) Contempt appeals

Milošević case

141. On 27 May 2005 Kosta Bulatović filed a notice of appeal against the decision on contempt of the Tribunal rendered by the Trial Chamber on 13 May 2005, finding the appellant guilty of contempt of the Tribunal.

(c) Referral appeals

(1) Rasević and Todović case

142. On 25 July 2005, the prosecution and Savo Todović filed notices of appeal against the partly confidential decision on referral issued by the Referral Bench on 8 July 2005, ordering that this case be referred to the authorities of the State of Bosnia and Herzegovina.

(2) Stanković case

143. On 30 May 2005, the prosecution filed a notice of appeal against the Referral Bench's decision of 17 May 2005 to refer the case against Stanković to the State Court of Bosnia and Herzegovina. The prosecution subsequently filed its appeal brief on 24 June 2005. The briefing of Stanković's appeal was complete as at 15 July 2005.

(d) Requests for review

144. No requests for review were filed during the reporting period.

(e) Appeals on the merits

145. During the reporting period, three new appeals from final Trial Chamber judgements were filed before the Appeals Chamber: in the Brđanin, Blagojević and Jokić, and Strugar cases. There were also 10 appeals from Trial Chamber judgements pending from the previous reporting period: the Deronjić, Galić, Jokić, Kordić and Čerkez, Kvočka et al., Martinović and Naletilić, Dragan Nikolić, Momir Nikolić, Simić and Stakić cases. Three judgements were rendered in the Kordić and Čerkez, Kvočka et al. and Dragan Nikolić cases, including two sentencing appeals in the Nikolić case and the Babić case.

(1) Babić case

146. The Appeals Chamber is composed of Judges Mumba (presiding and pre-appeal judge), Pocar, Shahabuddeen, Güney and Schomburg. The Appeals Chamber rendered its judgement in this appeal on 18 July 2005 and unanimously found that (1) the Trial Chamber erred in finding that the appellant's conduct subsequent to the crime of persecution could not be considered in mitigation solely because it did not include the alleviation of the suffering of victims; and (2) the Trial Chamber committed an error of law in not taking into account the appellant's attempts to further peace as a mitigating circumstance. It accordingly allowed the corresponding ground of appeal in part. Nevertheless, the Appeals Chamber found by majority, Judge Mumba dissenting, that, on balance, that error did not have an impact on the sentence. The Appeals Chamber unanimously dismissed each of the remaining grounds of appeal filed by the appellant and affirmed by majority, Judge Mumba dissenting, the sentence of 13 years' imprisonment as imposed by the Trial Chamber.

(2) Blagojević and Jokić case

147. On 23 February 2005, both the prosecution and Vidoje Blagojević filed notices of appeal from the Trial Chamber judgement dated 17 January and filed on 24 January 2005. The Appeals Chamber is composed of Judges Meron (presiding), Pocar, Weinberg de Roca, Shahabuddeen (pre-appeal judge) and Güney.

(3) Brđanin case

148. On 30 September and 1 October 2004 the prosecution and Radoslav Brđanin respectively filed their notice of appeal. The Appeals Chamber is composed of Judges Meron (presiding), Shahabuddeen (pre-appeal judge), Güney, El Mahdi and Weinberg de Roca. On 15 February Brđanin filed a motion to dismiss ground 1 of the prosecution's appeal brief. By decision of 5 May 2005, the Appeals Chamber denied the motion. On 17 May 2005, the Appeals Chamber filed an order to vary protective measures allowing the disclosure of protected testimony of three

witnesses who testified in the Brđanin, Krajišnik and Milošević cases to the Prosecutor of the Sarajevo War Crimes Chamber for the purposes of an ongoing investigation.

(4) Deronjić case

149. On 28 April 2004, Miroslav Deronjić filed a notice of appeal from the Trial Chamber sentencing judgement of 30 March 2004. The Appeals Chamber is composed of Judges Meron (presiding), Pocar, Shahabuddeen, Güney and Weinberg de Roca (pre-appeal judge). On 20 July 2005, the Appeals Chamber rendered its judgement in this appeal on sentencing. The Appeals Chamber unanimously dismissed all the grounds of appeal filed by the appellant and affirmed the sentence of 10 years' imprisonment as imposed by the Trial Chamber.

(5) Galić case

150. On 18 December 2003, the prosecution filed a notice of appeal from the Trial Chamber judgement of 5 December 2003 and filed its appeal brief on 2 March 2004. Stanislav Galić filed his notice of appeal on 4 May 2004. The Appeals Chamber is composed of Judges Meron (presiding), Pocar, Shahabuddeen, Mumba (pre-appeal judge) and Schomburg. Briefing of the appeal is complete as at 27 September 2004.

151. During the reporting period, Galić filed four motions for the admission of additional evidence pursuant to rule 115 of the Rules. On 22 March 2005 the Appeals Chamber rejected the second rule 115 motion. On 23 March, the Appeals Chamber granted Galić provisional release from 31 March to 3 April 2005 to attend the memorial service for his late sister. On 30 June 2005 the Appeals Chamber rendered a consolidated decision and dismissed Galić's first and third motions for the admission of additional evidence. The Appeals Chamber is considering the fourth rule 115 motion.

(6) Jokić (Miodrag) case

152. On 16 April 2004, Miodrag Jokić filed a notice of appeal from the Trial Chamber sentencing judgement of 18 March 2004. The Appeals Chamber comprises Judges Weinberg de Roca (presiding), Shahabuddeen, Mumba, Güney and Schomburg, Judge Weinberg de Roca being designated as the pre-appeal judge. Briefing of the appeal was complete as at 23 August 2004. On 31 August 2004, the Appeals Chamber denied all four rule 115 motions previously filed by the appellant. The Appeals Chamber heard oral arguments on the appeal on 25 April 2005 and is currently deliberating.

(7) Kordić and Čerkez case

153. The Trial Chamber judgement was delivered on 26 February 2001. The appellant's briefs of all parties were filed on 9 August 2001. The composition of the Appeals Chamber is Judges Schomburg (presiding and pre-appeal judge), Pocar, Mumba, Güney and Weinberg de Roca.

154. On 17 December 2004, the Appeals Chamber rendered its final judgement on the appeals for Dario Kordić and Mario Čerkez.

155. The Appeals Chamber rejected Kordić's first, second, fifth and sixth grounds of appeal as well as Kordić's appeal concerning his responsibility for crimes committed in various locations. However, the Appeals Chamber allowed Kordić's appeal concerning his responsibility for crimes committed in other locations and it

accordingly reversed his convictions pursuant to article 7 (1) of the Statute under counts 3, 4, 7, 8, 10, 12, 38 and 39 in the respective locations in question. The Appeals Chamber affirmed Kordić's convictions pursuant to article 7 (1) under counts 1, 3, 4, 7, 8, 10, 12, 21, 22, 38, 39, and 43. Moreover, the Chamber reversed all of Kordić's remaining convictions under count 1 and affirmed the sentence of 25 years' imprisonment.

156. The Appeals Chamber allowed Čerkez's appeal in part. It rejected a number of his grounds of appeal but allowed Čerkez's appeal concerning his responsibility for certain crimes and reversed his conviction. Ultimately, the Chamber imposed a new sentence of 6 years' imprisonment upon Čerkez.

(8) Kvočka, Radić (Mlađo), Prcać and Žigić case

157. Following the delivery of the Trial Chamber judgement on 2 November 2001, Miroslav Kvočka, Mlađo Radić, Dragoljub Prcać, Zoran Žigić and Milojica Kos filed their notices of appeal on 13 (Kvočka), 15 (Radić and Prcać) and 16 (Žigić and Kos) November 2001, respectively. The appellant Kos filed his appeal brief on 2 April 2002, but withdrew his appeal on 14 May 2002. He was released on 30 July 2002 by an order of the President. The composition of the Appeals Chamber changed several times and included since 18 February 2004 Judges Shahabuddeen (presiding), Pocar, Mumba, Güney and Weinberg de Roca (pre-appeal judge).

158. On 28 February 2005, the Appeals Chamber rendered its judgement in the Kvočka et al. case. The Appeals Chamber allowed in part Kvočka's fourth and fifth grounds of appeal but affirmed his conviction pursuant to article 7 (1) of the statute under count 5 for the murder of Mehmedalija Nasić and Bećir Medunjanin and dismissed Kvočka's remaining grounds of appeal in all other respects. The Appeals Chamber accordingly affirmed the sentence of seven years' imprisonment as imposed upon Kvočka by the Trial Chamber.

159. With respect to Žigić's appeal, the Appeals Chamber allowed Žigić's grounds of appeal concerning his responsibility for crimes committed in the Omarska camp generally. The Appeals Chamber otherwise dismissed Žigić's remaining grounds of appeal in all other respects and affirmed the sentence of 25 years' imprisonment as imposed upon Žigić by the Trial Chamber.

160. On 28 February 2005, the Appeals Chamber dismissed all of Radić's and Prcać's grounds of appeal and affirmed the sentences of 20 years and 5 years of imprisonment as respectively imposed on Radić and Prcać by the Trial Chamber. Judges Shahabuddeen and Weinberg de Roca each appended a separate opinion in relation to the standard for evaluating additional evidence on appeal. In a decision on 13 July 2005, President Meron denied a request for provisional release from Mlađo Radić and he is currently awaiting transfer to serve the remainder of his sentence.

(9) Nikolić (Momir) case

161. On 30 December 2003, Momir Nikolić filed a notice of appeal from the Trial Chamber sentencing judgement of 2 December 2003. The Appeals Chamber comprises Judges Meron (presiding), Pocar, Shahabuddeen, Güney and Weinberg de Roca, Judge Güney being designated as the pre-appeal judge. Following the Deputy Registrar's decision of 14 February 2005 withdrawing the assignment of the previous counsel for the appellant and assigning a new counsel, the Appeals

Chamber granted the latter's request for an extension of time until 7 June 2005 to file his replies to the prosecution's responses to the rule 115 motions. The last status conference was held on 31 March 2005.

(10) Martinović and Naletilić case

162. On 29 April 2003, Vinko Martinović and Mladen Naletilić filed notices of appeal from the Trial Chamber judgement of 31 March 2003. On 2 May 2003, the prosecution filed its notice of appeal. The Appeals Chamber was originally composed of Judges Pocar (presiding), Jorda, Shahabuddeen, Hunt and Güney. On 6 August 2003, Judges Schomburg and Weinberg de Roca respectively replaced Judges Jorda and Hunt.

163. Martinović and Naletilić respectively filed rule 115 motions on 31 July and 15 August 2003. The Appeals Chamber dismissed the motions on 20 October 2004. Martinović filed his second rule 115 motion on 15 March 2004. Naletilić filed his third rule 115 motion on 19 November 2004, and re-filed it on 29 November 2004. The Appeals Chamber is considering these motions.

164. The last status conference was held on 17 March 2005.

(11) Dragan (Drago) Nikolić case

165. On 16 January 2004, Dragan Nikolić filed a notice of appeal from the Trial Chamber sentencing judgement of 18 December 2003. The Appeals Chamber was composed of Judges Meron (presiding), Pocar, Shahabuddeen, Güney and Weinberg de Roca, Judge Güney being designated as the pre-appeal judge.

166. On 4 February 2005, the Appeals Chamber rendered its judgement in the Dragan Nikolić appeal on sentencing. The Appeals Chamber supported, Judge Shahabuddeen dissenting, the appellant's position that the Trial Chamber erred in taking into account the time he would actually serve in detention. The Appeals Chamber dismissed the appellant's grounds of appeal in all other respects although it found that the Trial Chamber erroneously qualified the beatings underlying the crime of torture as having "all of the making of de facto attempted murder". However, the Appeals Chamber considered that it was reasonable for the Trial Chamber to conclude, on the basis of the evidence before it, that the beatings underlying the crime of torture amounted to the "highest level of torture" as an aggravating factor and it accordingly also dismissed this part of the appellant's ground of appeal. The Appeals Chamber, Judge Shahabuddeen dissenting, imposed a new sentence of 20 years' imprisonment. Judge Shahabuddeen appended a partial dissenting opinion in relation to the issue of de facto attempted murder as well as the issue of "minimum term".

(12) Simić (Blagoje) case

167. On 17 November 2003, Blagoje Simić filed a notice of appeal from the Trial Chamber judgement of 17 October 2003. The Appeals Chamber is composed of Judges Güney (presiding and pre-appeal judge), Pocar, Shahabuddeen, Schomburg and Weinberg de Roca. On 22 September 2004 Simić filed an amended notice of appeal. On 21 October 2004, Simić was granted provisional release from 4 to 7 November 2004, to attend a memorial service for his father.

168. The last status conference was held on 17 February 2005.

(13) Stakić case

169. On 1 September 2003, both the prosecution and Milomir Stakić filed notices of appeal from the Trial Chamber judgement of 31 July 2003. The Appeals Chamber is composed of Judges Meron (presiding and pre-appeal judge), Pocar, Shahabuddeen, Güney and Weinberg de Roca. On 25 January 2005, the Appeals Chamber granted in part Stakić's rule 115 motion.

170. The last status conference was held on 23 February 2005.

(14) Strugar case

171. On 2 March 2005, both the prosecution and Pavle Strugar filed notices of appeal from the Trial Chamber judgement of 31 January 2005. The Appeals Chamber is composed of Judges Meron (presiding), Pocar, Mumba, Güney and Schomburg (pre-appeal judge). On 25 April 2005, Strugar filed a motion for extension of time to file his appellant brief.

IV. Activity of the Office of the Prosecutor

A. Overview

172. The period covered by the present report was marked by a significant increase in efficiency and work outputs of the Office of the Prosecutor. As a result, the Office successfully met the first deadline of the completion strategy, namely the completion of remaining investigations and the subsequent filing of the indictments for war crimes. (The Tribunal retains power to issue indictments for contempt of the court.) The Prosecutor's policy continued to focus only on the highest-level political and military leaders responsible for having committed the gravest crimes, leaving middle- and lower-ranking criminals to be tried by national courts.

173. The Office continued its pre-trial, trial and appeals activities, and developed measures to enhance its operations and streamline its procedures under the leadership of a new Deputy Prosecutor and a new Chief of Prosecutions, both of whom were appointed at the start of the reporting period.

174. Particular efforts were also made to increase the cooperation of relevant countries, resulting in numerous arrests and a number of fugitive surrenders. The Office continued to provide assistance and advice concerning the reform of judicial systems in the countries of the former Yugoslavia. The review functions performed by the Prosecutor since 1997 in application of the Rome agreement of 1996 (known as the "Rules of the road"), was transferred to the State Prosecutor of Bosnia and Herzegovina in October 2004. Finally, as part of the implementation of the completion strategy endorsed by the Security Council, the Prosecutor filed, from September 2004 to February 2005, motions for the transfer of 10 cases pursuant to rule 11 bis concerning 18 accused, so that they can be tried by the relevant national jurisdictions in Bosnia and Herzegovina, Croatia, or Serbia and Montenegro. Transfer in four cases (Mejakić et al., Janković, Stanković and the Rasević and Todović cases) has been granted, while transfer in one (the Dragomir Milošević case) has been denied. On 30 June 2005, the Referral Bench granted the Prosecutor's motion to withdraw the request to transfer the indictment against Mile Mrksić et al. to another court. As a result, the case will be tried in The Hague. On

28 July 2005 the Office of the Prosecutor filed an 11 bis motion on Ivica Rajić for referral to the authorities of Bosnia and Herzegovina.

175. Annexes II, III and IV detail the accused awaiting trial as at 31 July 2005 (50 accused, 26 cases); the persons convicted or acquitted after trial and guilty pleas (total: 56); and the new arrivals and remaining fugitives, respectively.

B. Activity of the Prosecutor

1. Investigations

(a) General considerations

176. Throughout the reporting period, the Office of the Prosecutor implemented the completion strategy that it put forward in 2002 and that was approved by the Security Council. Over the period, the Office's efforts concentrated on achieving the first major deadline foreseen by the strategy, namely the completion of investigations in regard to remaining high-level targets by the end of 2004. The deadline was met, and the Prosecutor filed the final indictments in December 2004. All indictments filed were finally reviewed and confirmed by the judges in the first months of 2005. In the same period, one indictment, against Goran Borovnica, was withdrawn, owing to the presumed death of the accused. Twenty-four accused surrendered voluntarily or were arrested and transferred to the Detention Unit.

(b) Indictments

177. During the reporting period, seven indictments, involving 12 accused, were confirmed and made public either at the time of confirmation or subsequently. One old indictment against Miroslav Bralo (IT-95-17; confirmed under seal on 10 November 1995) was made public in October 2004. Of those indictments, all but one of the accused (Zdravko Tolimir, who is at large) are in the custody of the Tribunal, while three accused, Rasim Delić, Ramush Haradinaj and Momcilo Perišić have been provisionally released.

178. Additionally, in four cases, six persons were indicted for contempt of the court. In two cases, judgements were rendered. Two persons (Beqe Beqaj and Kosta Bulatović) were found guilty of contempt and sentenced each to four months' imprisonment.

2. Arrest and surrender of accused

179. Within the reporting period, 24 accused surrendered voluntarily or were arrested and transferred to the Detention Unit.

180. Ljubiša Beara was arrested in Serbia and handed over to the Tribunal on 10 October 2004. Miroslav Bralo was located in Bosnia and Herzegovina and transferred to The Hague on 12 November 2004. Beqe Beqaj was arrested in Kosovo and transferred to the Tribunal on 4 November 2004. Johan Tarčulovski was arrested in the former Yugoslav Republic of Macedonia and handed over to the Tribunal on 16 March 2005.

181. From 3 December 2004 to 25 April 2005, 20 accused surrendered to the Tribunal and/or were transferred (including from custody) to The Hague.

182. The failure to arrest high-level accused, such as Radovan Karadžić, Ratko Mladić and Ante Gotovina, despite several resolutions of the Security Council, is of grave concern for the proper administration of justice. Repeated appeals to the Governments and entities in the region and the international community to pursue and arrest them have so far not borne results.

3. Pre-trial procedure, trials and appeals

183. The Office of the Prosecutor throughout the reporting period was actively involved in pre-trial, trial and appellate work. Of the 12 trial teams composing the prosecutions division, at all times during the reporting period, six were involved in ongoing trials, and the six others were actively preparing pending cases so as to ensure maximum efficiency and use of court resources.

184. The prosecution was involved in the pre-trial procedures in no less than 29 cases. The prosecution conducted nine trials and judgements were rendered in three cases, namely the Brđanin, Blagojević and Jokić, and Strugar cases. The Office of the Prosecutor was also involved in 14 post-judgement appellate proceedings. Accounts of these cases appear in the Chambers section of the present report.

4. Cooperation

185. In view of the end of investigations in December 2004 and the issuance of the last indictments at the beginning of 2005, there is no longer any uncertainty or potential for instability for local authorities in regard to new indictments. Successful completion of the Tribunal's work depends more than ever on the full cooperation of relevant States and, first of all, on the timely arrest of the remaining fugitives. The Prosecutor, as in all previous years, spent substantial time and effort working with, urging and encouraging Governments to fulfil their obligations in terms of requests for assistance and information, primarily in regard to arrest of the accused.

(a) Arrests

186. The Prosecutor continued her efforts to bring about early arrests or surrenders and maintained close contact with the relevant Governments and international institutions inside and outside the former Yugoslavia. A combination of those efforts and international pressure brought about the significant results noted above — 24 accused were transferred to The Hague. Notable progress was achieved with the authorities of Serbia and Montenegro and to some extent with the Republika Srpska in Bosnia and Herzegovina. The Republic of Croatia, however, contrary to expectations and despite numerous promises, failed to locate the accused Ante Gotovina.

(b) Croatia

187. Cooperation of the Government of Croatia, in regard to the requests for assistance, information, archives, witnesses and suspects, remained satisfactory. The Government continues to respond to the requests for assistance in a professional manner. The Government was cooperative in regard to the indictment and transfer of Ljube Boškoski, who was in pre-trial custody in a Croatian prison facing local charges not related to the Tribunal.

188. The Prosecutor gave a positive assessment in April 2004 regarding Croatia's cooperation with her Office at the request of the Commission of the European Union. Since that time, however, no progress has been made in regard to the arrest of the accused Ante Gotovina. The Prosecutor was disappointed with the efforts and measures taken by the authorities to ensure that the accused is located and transferred to The Hague. Despite close cooperation with Zagreb to locate this fugitive, especially with the Office of the State Attorney, it appears that the authorities did not do everything possible and were hoping that the fugitive would surrender voluntarily. The Prosecutor, therefore, was not satisfied with the efforts of the Government and, at the request of the European Union, gave a negative assessment of cooperation in March 2005. The Government of Croatia presented in April 2005 a new action plan with a view to resolving outstanding issues, which will require additional time for assessment and implementation.

(c) Serbia and Montenegro

189. Cooperation by Serbia and Montenegro started to improve late in 2004, but it has not yet reached the point of being complete, consistent and speedy. The positive efforts of the President of the National Council for Cooperation, Rasim Ljajić, produced progress in regard to the waivers for interviews and some documents. However, there are still serious problems with the production of sensitive documents that prove connections between the Belgrade wartime authorities and events in Croatia and Bosnia and Herzegovina. Since the end of 2004, the Government of Serbia and Montenegro has managed to secure a number of surrenders of outstanding and new accused — a total of 14 accused were transferred from or through Belgrade. Nevertheless, the Serbia and Montenegro authorities remained reluctant to execute the arrest warrants transmitted to them by the Tribunal. At least six of the 10 remaining accused that remain at large, including Ratko Mladić, are believed to be in Serbia.

190. The overall assessment is that cooperation with the Tribunal continued to be a hostage to the political developments and circumstances, but arguably to a lesser extent than in the previous reporting period. The authorities in Serbia, though still speaking of cooperation as "a two-way street", moved forward on a number of issues and recognized publicly the need for full cooperation with the Tribunal in terms of their desire to be integrated into Euro-Atlantic institutions. The path leading to the European Union proved to be an important impetus for fulfilling obligations.

(d) Bosnia and Herzegovina: Federation of Bosnia and Herzegovina and Republika Srpska

191. Cooperation of the Federation of Bosnia and Herzegovina remains satisfactory, while cooperation with the Republika Srpska began to improve but overall remains insufficient, notably in regard to the transfer of fugitives and wartime documentation. For the first time it is possible to speak about the Republika Srpska authorities' serious efforts to locate fugitives and persuade them to surrender. The new Minister of the Interior of the Republika Srpska, Darko Matijasević, supported by the President, Dragan Cavić, appeared to be resolute and ready to conduct arrests (which was proved by a number of arrests on domestic war crimes charges). However, so far there has been no information provided by the authorities of Republika Srpska on the most wanted fugitives, Karadzić and Mladić. The Interior

Ministry actively searched for certain fugitives, including in Serbia, and participated in securing at least two voluntary surrenders. Regrettably, certain important wartime documentation remains beyond the reach of the Tribunal.

192. In the period covered by this report, the Office of the High Representative applied considerable pressure on the Republika Srpska, but also on the authorities at the State level of Bosnia and Herzegovina, all in order to further cooperation efforts and achieve concrete results. The Office promoted and implemented the idea of the Monitoring Group on Cooperation with the Tribunal, which involves all relevant entity and State structures.

193. The establishment and official opening in March 2005 of the Special War Crimes Chamber of the State Court of Bosnia and Herzegovina and the related establishment of the war crimes section in the Office of the State Prosecutor of Bosnia and Herzegovina is a substantive step towards fostering the rule of law in the country. Those efforts have been strongly encouraged and supported by the Prosecutor. Concrete cooperation with the war crimes Prosecutor is under way. A number of training sessions, seminars and meetings were held in order to establish and further direct cooperation between the two prosecutorial offices. This work is only the beginning in preparation for the transfer of the first rule 11 bis cases from the Tribunal to the State Court of Bosnia and Herzegovina for the domestic processing.

(e) The former Yugoslav Republic of Macedonia

194. The authorities of the former Yugoslav Republic of Macedonia deserve credit for the prompt arrest and transfer to The Hague on 16 March 2005 of one accused (J. Tarčulovski). In the reporting period, there were no problems in cooperating with the Government. The Office of the Prosecutor concluded all investigations in regard to this country, including those related to four cases that were deferred on 25 September 2003 by a Trial Chamber after a hearing on a prosecution motion. The Prosecutor commenced consultations with the authorities on the return of those criminal cases to the domestic jurisdiction.

(f) Assistance in the territory of the former Yugoslavia and beyond

195. Direct and close relationship with the international organizations throughout the territory of the former Yugoslavia remains essential to the success of the Prosecutor's mandate. The Prosecutor received assurances from the NATO and EUFOR commands that the conclusion of the SFOR mandate in Bosnia and Herzegovina would not diminish the level of assistance provided to the Tribunal. Indeed, EUFOR, together with the relevant local police authorities, conducted a number of search operations and attempts to apprehend the fugitives. It is regrettable, however, that the last successful operation to arrest a fugitive was conducted in July 2002. KFOR has also given valuable support and assistance to the Prosecutor and assisted in the transfer of the accused. The Prosecutor continued to enjoy close cooperation with and support from other organizations in the region, in particular the Office of the High Representative in Bosnia and Herzegovina; the United Nations Interim Administration Mission in Kosovo (UNMIK); the missions of the Organization for Security and Cooperation in Europe (OSCE) in Belgrade, Sarajevo and Zagreb; NATO; and the European Union mission in the former Yugoslav Republic of Macedonia. Especially important was and will continue to be

the valuable capacity of the OSCE missions in the region to monitor the war crimes trials, specifically the cases to be transferred to the domestic courts under rule 11 bis.

196. The past year once again proved that the permanent assistance and influence provided by the European Union member States and the European Union Commission in the region are of enormous value for the Office of the Prosecutor, as all the States of the former Yugoslavia with aspirations to join the European Union must comply with relevant conditions.

5. Training and assistance in the development of domestic jurisdictions

197. The Prosecutor and her Office continued to encourage and support the reinforcement of the rule of law in all the countries of the former Yugoslavia. The interest of the Office was twofold: to assist and encourage local prosecutors in their war crimes investigations and to prepare domestic jurisdictions for the potential transfer of the Tribunal's cases. Throughout the reporting period, the Office of the Prosecutor was active in all parts of the region supporting capacity-building and training of the personnel of domestic courts. In Bosnia and Herzegovina, the Office organized and participated in several training sessions aimed at supporting the functioning of the Special War Crimes Chamber within the State Court, and preparing the ground for a smooth transfer of cases for domestic prosecutions.

198. The Office also continued to participate in the elaboration of adequate legislative and institutional frameworks of judicial cooperation in the region, and has worked with other international and regional organizations (including OSCE and UNDP) to ensure that the proceedings before domestic institutions can be completed in a professional way and can be internationally monitored.

V. Activity of the Registry

A. Office of the Registrar

199. During the reporting period, the Registry was supervised by Registrar Hans Holthuis. He was reappointed for a second four-year term on 1 January 2005. John Hocking was appointed Deputy Registrar on 1 December 2004. Kevin St. Louis was the Chief of Administration.

1. Registry Advisory Section

200. In 2004-2005, the Registry Advisory Section continued its advisory and drafting functions. The Section rendered advice concerning the interpretation and application of legal instruments of all kinds. This included questions regarding status, privileges and immunities of the Tribunal, contracts and commercial arrangements, and international agreements with the host country, other States, and intergovernmental organizations. Furthermore, the Section advises on administrative legal issues and claims against the organization. The Section has also facilitated the negotiation of enforcement and relocation agreements and provided advice on strategic-management questions and judicial cooperation with other international tribunals. Additionally, the Section assisted the President and the Office of the

United Nations High Representative for Bosnia and Herzegovina in the planning of the Special War Crimes Chamber of the State Court.

2. Communications Service

201. The past year was divided into two periods. During the first, from 1 August 2004 to 31 January 2005, the Public Information Services Section continued to operate and function as before; during the second, from 1 February to 31 July 2005, the Sector was merged with the Outreach Programme to become the new Communications Service.

202. From 1 August 2004 to 31 January 2005, the Public Information Services Section operated as the main public-relations interface of the Tribunal, providing information to both journalists and the general public. The Section publicized the Tribunal's institutional and judicial activity in various ways, including daily contact with members of the press, continually updating and enhancing the Internet site, welcoming thousands of visitors and producing publications of a general or legal nature.

203. Public interest in the operation and work of the Tribunal has remained high throughout the past year. The Public Information Services Section published 110 press releases (as at 1 July 2005), organized 354 interviews and held 39 press conferences. It also responded to 8,167 requests for legal documentation and organized visits to the Tribunal for 221 groups constituting a total of 5,067 visitors. The Tribunal's Internet site had a record number of page hits (16,555,000 as at 1 July 2005).

204. Those figures also refer to the second period of the year which began on 1 February, when the Public Information Services Section and the Outreach Programme merged into the new Communications Service. Under the supervision of the Registrar, the Communications Service is now divided into two sections: Media/Outreach/Web and Publications/Tribunet/Visits.

205. Initiated by the Registrar in 2004, the significant structural reform which led to the establishment of the Communications Service was motivated by an awareness that, at this stage in its history and development, the Tribunal had to tackle a number of communication challenges, both internal and external. In view of the circumstances, it seemed essential to instil fresh energy and develop a new approach based on a clear communication platform focusing, inter alia, on the Tribunal's completion strategy and paving the way for the post-Tribunal era, both in the former Yugoslavia and elsewhere.

3. Outreach Programme

206. The Outreach Programme expanded activities during the reporting period and merged with the Press and Information Services Section in February 2005. The Outreach Programme focused primarily on transferring knowledge and best practices to the judiciaries of States of the former Yugoslavia. The goal is to strengthen the capacity of national systems to fairly adjudicate war crimes cases. The Programme also continued to ensure that the Tribunal's activities are transparent, accessible and intelligible to different communities in the former Yugoslavia. Failure to provide basic information not only permits groups hostile to the Tribunal to project negative and inaccurate information, but it may prevent the

Tribunal from achieving one of its key missions: contributing to the maintenance of peace in the region. The activities of the Outreach Programme also contribute to the implementation of the Tribunal's completion strategy by tracking developments and reforms in domestic criminal justice systems, especially war crimes cases conducted by national authorities in the region.

207. The Programme significantly enhanced activities that strengthen national jurisdictions in their handling of war crimes cases. The Programme assisted in the creation of a responsible body of lawyers, prosecutors and other legal professionals in the former Yugoslavia through a broad range of training, educative and consultative programmes in The Hague and in the region. Another important element of the Programme's activities was a commitment to victims across the region, especially in those communities most affected by crimes under the Tribunal's jurisdiction. From October 2004 to June 2005 the Programme, working in concert with the Helsinki Committee for Human Rights in Republika Srpska, implemented an ambitious series of events intended to "bridge the gap" between the Tribunal and communities in Bosnia and Herzegovina most affected by war crimes. The events highlighted what facts were proved beyond a reasonable doubt in order to promote better local visibility of justice served, to prevent historical revisionism and to foster reconciliation.

208. The Outreach Programme is also working to combat any negative perceptions in the region that the Tribunal is remote, disconnected and unresponsive. The Programme has engaged local legal communities and non-governmental organizations, victims' associations, truth and reconciliation bodies, and educational institutions.

209. Throughout the reporting period the Programme carried out a diverse range of public relations activities, producing a number of publications in languages of the region of the former Yugoslavia. Such materials were made available in print and on CD-ROMs, as well as being placed on an extensive Bosnian/Croatian/Serbian and Albanian section of the Tribunal's website managed by the Outreach Programme. In an effort to further assist the visibility and transparency of the Tribunal, the Programme has worked together with an independent web agency to maintain the Internet broadcast of courtroom proceedings. Audiences are able to follow trials in English, French, Bosnian/Croatian/Serbian and, in cases relevant to Kosovo, Albanian.

210. Although regarded as a core element of the Tribunal, the Outreach Programme has been funded exclusively through voluntary contributions since its inception in September 1999. In the period under review, support was generously provided by the European Union.

4. Voluntary contributions

211. The General Assembly, in its resolutions 49/242 B and 53/212, invited Member States and other interested parties to make voluntary contributions to the Tribunal, both in cash and in the form of services and supplies acceptable to the Secretary-General. Since 2000, the Voluntary Contributions Committee, chaired by the Registrar and working under the Coordination Council, has coordinated the efforts of the Tribunal's three organs in raising, distributing and evaluating grants. As at 31 March 2005, approximately $42.2 million had been received in cash contributions.

212. Cash donations of approximately $1.2 million and pledges totalling $380,000 were made during the reporting period. Voluntary contributions have been used for activities supporting prosecution and investigation activities, such as the arrest initiative of the Office of the Prosecutor, operations in Kosovo, investigations in the former Yugoslav Republic of Macedonia and the review of cases through the "Rules of the road" project.

213. See annex V for contributors and amounts given during the reporting period.

B. Judicial Support Division

214. John Hocking was appointed Deputy Registrar on 1 December 2004 and managed the Judicial Support Division.

1. Chambers Legal Support Section

215. Day-to-day support for each ongoing trial is provided by the Chambers Legal Support Section, including providing legal guidance to judges and to the staff working within Chambers to ensure consistency as far as possible in the functioning among and within the Chambers.

216. The Section assists the judges in plenary session and the Bureau whenever there are questions concerning Chambers as a whole and provides secretariat support to a number of committees established by the judges, such as the Rules Committee and the working groups on speeding up trials and appeals.

2. Court Management and Support Services Section

217. The Court Management and Support Services Section is primarily responsible for the preparation and organization of judicial support tasks for the conduct of all court proceedings. The responsibilities of the Section include:

- Coordinating the schedules and use of courtroom facilities
- Implementing judicial decisions and orders
- Drafting the court-related decisions and submissions of the Registrar
- Filing, indexing and distributing all case documents
- Managing the transcripts of all hearings, including their release for publishing on the Internet
- Arranging prompt translations of all filings
- Maintaining and updating the calendar of scheduled hearings
- Handling and maintaining original courtroom exhibits
- Preparing procedural minutes
- Registering and retaining custody of briefs, motions, orders, decisions and judgements
- Storing and archiving the judicial documents of the Tribunal
- Maintaining the judicial database

- Providing logistical support to facilitate the presentation of the defence case by an accused who is representing himself (Milošević).

218. These tasks are carried out by three units within the Section: the Court Unit (court officers and courtroom clerks), the Court Records Unit (Court Records Assistants, Transcript Coordinators and Judicial Archives clerks) and the Pro Se Liaison Office, which was created in the last reporting period in response to the challenge presented by accused who represent themselves (see below).

219. The defence in the Milošević case has produced unprecedented challenges for the Section, in particular the creation of a separate office (Pro Se Liaison Unit) to respond to the needs presented by an unrepresented accused. This office has been vital in keeping the defence case moving, ensuring that witnesses are brought and that documents are properly submitted. The relevance of this Unit is underlined by other accused seeking to represent themselves.

220. The Section has continued to participate actively in implementing the completion strategy by scheduling and supporting morning and evening sessions and allowing six trials to run simultaneously. The high number of new arrivals during the reporting period, combined with courtrooms operating at full capacity, has resulted in unprecedented workloads in the Section at times during the past 12 months.

221. The Section took a leading role in the coordination of a pilot programme to implement an eCourt system developed during the previous reporting period and designed to improve efficiency in the courtroom.

222. The Section assumes leadership of an inter-departmental working group on trial scheduling. This group plays a key role in the Tribunal's overall effort to meet completion strategy targets.

223. The Section has been actively involved in the implementation of an innovative judicial database project, all case files on a searchable computer database being accessible throughout the Tribunal, including by the defence counsel. It will ultimately be made accessible to the public through the Internet.

224. An inter-Tribunal cooperation project, funded by the European Union, has fuelled the exchange of information between the Court Management Sections of the Tribunals for Rwanda and the Former Yugoslavia. Under the cooperation agreement, a representative of the Section visited Arusha in November 2004 to exchange information on archiving procedures and practices. There were three reciprocal visits from representatives of the Tribunal for Rwanda during the reporting period. Further visits are planned for future cooperation and information-sharing.

3. Victims and Witnesses Section

225. The Victims and Witnesses Section is a neutral office working to protect, support and meet the logistical needs of all witnesses who appear before the Tribunal, whether called by the prosecution, the defence or the Chambers. The Section, headed by a Chief, is made up of the Protection Unit, the Support Unit and the Operations Unit and has a total of 43 staff members. The Section, where necessary, provides victims and witnesses with counselling and assistance. It also undertakes to ensure that the safety and security needs of witnesses are met and informs them of the proceedings and what their reasonable expectations with respect

to those proceedings should be. The Section arranges travel, accommodation, financial and other logistical and administrative requirements for witnesses and accompanying persons, and maintains close contact with the trial teams regarding all aspects of witnesses' appearances before the Tribunal.

226. During the reporting period, 402 witnesses and accompanying persons travelled to The Hague, predominately from the region of the former Yugoslavia. Many of them were victim witnesses. To meet the needs of the witnesses, the Section continues to expand its collaboration efforts with Member States and national and international humanitarian services. The requirements for protection services has increased because both prosecution and defence counsels sought enhanced protection measures for witnesses before, during and after testimony, which has prompted the Tribunal to continue its negotiations with States regarding the relocation of witnesses.

227. The Section continues to ensure protection measures for witnesses and the relocation of protected witnesses through its Protection Unit. Because of increasing demand for relocation, the Protection Unit has been working to increase the number of relocation agreements with member States in this regard.

228. To strengthen services to witnesses, particularly victim witnesses residing in the territories of the former Yugoslavia, the Support Unit conducted a series of ground-breaking conferences in the previous reporting period with health and welfare professionals practising in the regions where witnesses reside. This initiative is funded through a donation from the European Commission.

229. The Section operates one field office in the former Yugoslavia, which is based in Sarajevo. The primary role of that office is to enhance support and protection services provided to witnesses, particularly those who are especially vulnerable or whose testimony may be especially sensitive. While funding during past reporting periods has come from voluntary contributions, as from January 2005 funding for the office was included in the Tribunal's main budget.

4. Office of Legal Aid and Detention Matters

230. The Office of Legal Aid and Detention Matters is responsible for managing the legal aid system of the Tribunal and legal matters relating to the detention of the accused. It is also in charge of the operational aspects of enforcement of sentences.

231. The lump sum payment for the defence system combines predetermined ceilings on remuneration levels with easy administrative procedures for invoicing. It also divides cases into levels of complexity to which different levels of remuneration attach. The lump sum system is now, in 2005, fully operational, and applies to all seven financially assisted accused currently at trial. The system was amended slightly in 2005 to increase payments to defence teams in line with pay scales of United Nations staff.

232. Following the success of the lump sum system at trial, the Office introduced a lump sum system for the pre-trial stage in 2004. The system was agreed upon following extensive consultations with the Association for Defence Counsel. The pre-trial system allows the Registry to maintain a control mechanism on expenditure, gives increased flexibility to counsel to manage their resources and cuts down on administrative formalities. The system was introduced to all new cases commencing pre-trial proceedings as from 1 December 2004, and is currently

applied to 20 of the 52 defence teams at the pre-trial stage. In the biennium 2006-2007, it is expected to apply to 65-80 per cent of the indigent accused at pre-trial.

233. In the past year, there has been real progress in relation to support given to defence counsel working at the Tribunal. The progress is in part thanks to the activities of the Association for Defence Counsel and the improved cooperation between the Registry and that Association. From June 2004 to June 2005, the Registry worked in close coordination with the Association for Defence Counsel to resolve issues of concern to defence counsel. During the second half of the reporting period, through positive and cooperative biweekly meetings between the Office and members of the Association, the Registry has been able to accomplish significant progress on a number of issues concerning support to defence counsel working at the Tribunal, as follows:

- Adoption of a new protocol for vetting candidates for admission to the list of counsel eligible to represent
- Adoption of new pre-trial and trial payment policies for defence counsel
- A complete review of the directive on assignment of defence counsel
- Provision of additional space and facilities for defence counsels
- Setting up of a defence information technology network which allows defence electronic access to the Tribunal's jurisprudence and the ability to store material and receive filings electronically
- Review of the role and function of duty counsel
- Support of fundraising activities of the Association for Defence Counsel
- Facilitate training projects of the Association for Defence Counsel
- Defence participation in the Tribunal's outreach events
- Adoption of a new mechanism for the settlement of disputes.

234. In addition, there have been consultations between the Association for Defence Counsel and the Registry on a number of other issues, such as the Registry travel and daily subsistence allowance policy and translation policy, the enforcement of indigency decisions and the adjustment of counsel's fees to currency fluctuations. Although no final agreement has yet been reached on some of the issues put forward by the Association for Defence Counsel, the Registry is committed to working with the Association to resolve the pending issues. Some of the issues require long-term cooperation between the Registry and the Association and are considered by the Registry under a separate category, namely, projects to be continuously worked out between the Registry and the Association for Defence Counsel.

235. Within the framework of the inter-Tribunal cooperation project, the Office of Legal Aid and Detention Matters and its counterparts at the Special Court for Sierra Leone worked together in 2004 and 2005 to improve their legal aid policies. To that end, a training session at the United Kingdom Legal Services Commission was attended jointly by representatives of both courts while a representative of the Special Court for Sierra Leone visited the Tribunal early in 2005 to obtain information on services provided to defence counsel as well as on the various payment systems utilized at the Tribunal.

236. The Office of Legal Aid and Detention Matters has been working to amend the rules of detention that deal with visits to and communication with detainees as well as access to medical records. The Registrar submitted a proposal for consideration to the judges, which was approved at the plenary session of 21 July 2005.

5. Detention Unit

237. The Detention Unit has the capacity to hold 68 detainees, with adequate staffing and resources to provide a remand programme in keeping with European and international standards. At this time the Unit is operating at maximum capacity, and expects additional arrests. There are 19 accused on provisional release, all of whom will have to return for trial. The current capacity of the Unit is insufficient to cope with these returns. Discussions are ongoing with the host country to expand the capacity of the Unit.

6. Conference and Language Services Section

238. The Conference and Language Services Section continues to provide translation and consecutive interpretation from and into English, French, Bosnian/Croatian/Serbian, Albanian and other languages as needed for all organs of the Tribunal; simultaneous conference interpretation for all hearings from and into English, French, Bosnian/Croatian/Serbian and, when required, Albanian; field interpretation of interviews by investigation teams, witness-proofing sessions prior to testimony and interviews with suspects; and court-reporting services to produce transcripts in English and French for every courtroom hearing, as well as transcripts for plenary sessions.

239. The Section's in-house resources were used to full capacity in both translation and interpretation. Given the ongoing workload and time frames, the Section also had to rely on external contractors for the timely provision of its services. The annual output in translation was again nearly 75,000 standard United Nations pages covering all Tribunal language combinations.

7. Law library

240. The Tribunal's library is the research and information centre mandated to provide information and research assistance to the Trial Chambers, the Office of the Prosecutor, the Registry, defence counsel and Tribunal staff.

C. Division of Administration

241. During the reporting period, the Division of Administration was managed by Kevin St. Louis.

1. Procurement

242. The Procurement Section ensures that the acquisition of goods and services is carried out in accordance with substantive and operational requirements while taking into consideration the best value for money; fairness, integrity and transparency; effective international competition; and the interests of the Organization.

243. In 2004, the Procurement Section, in coordination with the General Services Section, concluded negotiations with its landlord for the lease renewal of the Tribunal's headquarters building until 2012. This lease is now aligned with the timeline of the completion strategy. The Procurement Section briefed all certifying officers on the newly revised edition of the Financial Regulations and Rules of the United Nations, which came into effect on 1 January 2003.

2. General Services Section

244. The General Services Section provides a diverse range of services to the Tribunal's operational divisions both in The Hague and in the former Yugoslavia, including facilities acquisition; preparation and operation; transport and logistics; travel and organizational shipments; graphics and reproduction; supplies, archives and records management; visas and entitlements; insurances; property control and inventory. The Section manages a wide range of accounts whose annual budget in 2004 exceeded $15 million.

245. In 2004 the Facilities Management Unit continued to operate three office buildings and a 68-unit detention facility in The Hague and five field offices in the former Yugoslavia. The sixth field office, Skopje, was closed in June as indicated in the 2004/05 budget parameters.

246. In 2004, the General Services Section concluded negotiations with its primary landlord to extend the lease of the Tribunal's headquarters building until 2012. This critical contract is now aligned with the timeline of the completion strategy and guarantees continued access to the Tribunal's courtrooms and vital facilities. In addition, the Property Control and Inventory Unit completed a two-year project, resulting from an earlier audit observation, to develop complete, accurate records of the Tribunal's assets. This resulted in a reduction in the value of inventory discrepancy reports of more than $350,000. The Archives and Records Management Unit continued coordination work with the Archives and Records Management Section in New York. One outcome is the increased use of electronic records management procedures in conformance with the standards of the Archives and Records Management Section, thereby assuring the Tribunal's readiness to transfer records collections at the conclusion of its mandate.

3. Human Resources Section

247. Despite the recruitment freeze from 2 May 2004 to 1 January 2005, the Human Resources Section recruited 106 new staff members by the end of July 2005, 40 of whom were internationals. In addition, the Section oversaw the administration of a total of 1,066 staff members: 436 at the Professional level (43 per cent of whom are female) and 630 at the General Service level. The Tribunal currently has staff members from 80 countries. Over 200 interns provided assistance to the Tribunal during the reporting period. The number of consultants and individual contractors totalled 185. Over 900 staff members took part in in-house training courses.

248. The Medical Service Unit continued to provide occupational support and monitor staff health, including through proactive health programmes and activities. The Staff Welfare Office provided counselling and related services to further enhance the quality of life and work. In the context of the completion strategy, the Career Development Office continued to assist staff in personal development and outplacement activities.

4. Budget and Finance Section

249. On 23 December 2003, in its resolution 58/255, the General Assembly decided to appropriate to the Special Account for the Tribunal a total amount of $298,226,300 gross ($271,854,600 net) and approved a staffing table of 1,048 posts for the biennium 2004-2005, except for the proposed post resources for the Investigations Division in 2005, on which it decided to defer consideration until its fifty-ninth session.

250. On 23 December 2004, in its resolution 59/274, the General Assembly decided to appropriate to the Special Account a total of $329,317,900 gross ($298,437,000 net) for the biennium 2004-2005, which included the proposed post and travel resources of the Investigations Division for 2005. The Assembly also approved the proposed redeployments as well as adjustments in the currency and inflation parameters utilized for budget purposes.

251. The revised appropriation reflects a net increase of $26.8 million over the initial appropriation for 2004-2005, broken down as follows: (a) $13 million additional requirements for the Investigations Division in 2005; (b) $20.5 million additional requirements for variations in inflation, exchange rates and salary standards assumed in the calculation of the initial appropriation; and (c) reduced requirements of $6.7 million associated with savings achieved due to economy measures taken during 2004.

252. After redeployments, the new staffing table approved for the Tribunal in 2005 includes a total of 999 regular posts or a net reduction of 49 posts vis-à-vis 2004 levels. In July 2005, the staffing of the Investigations Division was further reduced by 12 Professional posts, resulting in an overall net reduction of 61 posts during 2005.

5. Information Technology Services Section

253. The Information Technology Services Section provides infrastructure support, applications development and information technology training to all divisions of the Tribunal, at the four sites in The Hague and the six field offices. In addition to the continuing provision of computers, network, telephone and audio-visual services and equipment, the Section was active in establishing an Information and Communication Technology governance structure, in conformity with the Secretary-General's guidelines.

6. Security and Safety Section

254. The Security and Safety Section continues to deploy its 161 posts across the range of Tribunal activities both at the headquarters in The Hague and in support of the remaining field offices in Belgrade, Zagreb, Sarajevo and Pristina. Security officers provide protection for senior officials and witnesses, escort for the accused and protection of staff and facilities. In addition, the Section is mandated to provide a close protection capability, fire inspection and internal investigation capability. During the reporting period, the Section observed a high vacancy rate because of the recruitment freeze mandated by United Nations Headquarters, which at times resulted in shortages of security personnel.

VI. Conclusion

255. This reporting period has been marked by the evaluation and implementation of reforms undertaken by each organ of the Tribunal to improve administrative capacity and efficiency and maintain a fair and expeditious court system while working towards the timely implementation of the completion strategy. The Tribunal continues to institute and evaluate innovative ways to improve its judicial capacity and efficiency, including endeavours such as the recently implemented eCourt system and exploring the possibility of opening an additional courtroom.

256. At the same time, the Tribunal is dedicated to trying only the most senior-level persons who are accused of the most serious crimes while beginning to transfer others to be tried in the region. To this end, the Tribunal is working closely with countries in the region to build the capacity of their judicial institutions to ensure fair and effective national trials. The recent opening of the Special War Crimes Chamber in Bosnia and Herzegovina is a testament to the improved cooperation between the Tribunal and national authorities. To date, the Referral Bench has issued decisions to transfer four cases involving eight accused to the national Chamber and a number of other 11 bis transfer motions will be decided in the upcoming months.

257. However, in spite of this progress, the continued flight of Mladić, Karadzić and Gotevina remains a stain on the historic work of the Tribunal and serves to undermine the otherwise successful cooperation with national authorities. While the Tribunal will continue to make every effort to complete its judicial functions in an efficient manner according to the completion strategy, justice will not be sacrificed to efficiency. To achieve the Tribunal's mandate of contributing to the maintenance of peace and stability in the region it is imperative that those fugitives are given their day in court in The Hague.

258. In the meantime, the Tribunal will continue to try cases in a transparent and open manner and will ensure that the judgements and information are available and accessible to persons in the region. Ten years after the genocide in Srebrenica, the Tribunal is continuing in its quest for justice, truth, peace and reconciliation.

Annex I

Trial and Appeals Chambers activity during the reporting period

Table 1
Trial Chambers

Trial Chamber I	*Trial Chamber II*	*Trial Chamber III*
A. Merit cases		
Ademi and Norac	Borovčanin	Beara
Blagojević and Jokić (Dragan)	Boškoski and Tarčulovski	Delić
Bralo	Brđanin	Mejakić, Gruban, Fuštar and Knežević
Halilović	Čermak and Markač	Milošević (Slobodan)
Kovačević	Hadžihasanović and Kubura	Milutinović, Ojdanić and Šainović
Krajišnik	Haradinaj, Balaj and Brahimaj	Pavković, Lazarević and Lukić
Ljubičić	Limaj, Bala, and Musliu	Perišić
Martić	Milošević (Dragomir)	Popović
Nikolić (Drago)	Mrksić, Radić and Šljivančanin	Stanišić (Jovica) and Simatović
Prlić, Stojić, Praljak, Petković, Ćorić and Pušić	Orić	
Rajić	Pandurević and Trbić	
Stanković, Janković and Želenović	Rašević and Todović	
	Šešelj	
	Stanišić (Mićo)	
	Strugar	
	Tolimir, Miletić and Gvero	

Trial Chamber I	*Trial Chamber II*	*Trial Chamber III*
B. Contempt cases		
Beqaj		Bulatović
Šešelj and Margetić		Maglov
		Marijačić and Rebić

Table 2
Appeals Chamber

A. Appeals from judgement

Cases	*Appeals on the merits*
Babić	1
Blagojević and Jokić	1 (ongoing)
Brđanin	1 (ongoing)
Deronjić	1
Galić	1 (ongoing)
Jokić	1 (ongoing)
Kordić and Čerkez	1
Kvočka et al.	1
Martinović and Naletilić	1 (ongoing)
Nikolić Dragan	1
Nikolić Momir	1 (ongoing)
Simić	1 (ongoing)
Stakić	1 (ongoing)
Strugar	1 (ongoing)

B. Interlocutory appeals

Cases	*Interlocutory appeals*
Boškoski and Tarčulovski	3 (2 ongoing)
Čermak and Markač	1
Halilović	1 (ongoing)

Cases	*Interlocutory appeals*
Hadžihasanović and Kubara	1
Krajišnik	1
Martić	1
Mejakić et al.	1
Milošević	1
Mrkšić	1
Orić	1
Pandurević and Trbić	1 (ongoing)
Petković	1
Popović	1 (ongoing)
Prlić	3
Rajić	1 (ongoing)
Šešelj	1
Stanišić and Simatović	6
Todović	1 (ongoing)
Tolimir et al.	1 (ongoing)
Confidential	7 (3 ongoing)

C. Referral appeals

Cases	*Referral appeals*
Rasević and Todović	1 (ongoing)
Stanković	1 (ongoing)

Annex II

Accused awaiting trial as at 31 July 2005

No.	*Name*	*Former title*	*Initial appearance*
1	Rahim Ademi*	Major General, HVO	26 July 2001
2	Pasko Ljubičić	Commander 4th Military Police Battalion, HVO	30 September 2001
3	Dušan Fuštar	Shift Commander, Serb-run Omarska Detention Camp, BiH	6 February 2002
	Momčilo Gruban*	Shift Commander, Serb-run Omarska Detention Camp, BiH	10 May 2002
	Dušan Knežević	Detention Camp staff, Serb-run Omarska Detention Camp, BiH	24 May 2002
	Željko Mejakić	Commander, Serb-run Omarska Detention Camp, BiH	7 July 2003
4	Dragoljub Ojdanić*	Chief of Staff, VJ	26 April 2002
	Nikola Šainović*	Deputy Prime Minister, FRY	3 May 2002
	Milan Milutinović*	President, Republic of Serbia	27 January 2003
	Vladimir Lazarević	Commander, Pristina Corps, VJ, Kosovo	7 February 2005
	Sreten Lukić	Head of Staff, Serbian Ministry of Internal Affairs, VJ, Kosovo	6 April 2005
	Nebojša Pavković	General, Commander 3rd VJ Army, Kosovo	25 April 2005
5	Mile Mrkšić	Colonel and Commanding Officer, JNA	16 May 2002
	Mile Radić	Captain, JNA	21 May 2003
	Veselin Šljivančanin	Major, JNA	16 February 2004
6	Milan Martić	President, "RSK"	21 May 2002
7	Radovan Stanković	Paramilitary Unit, Serb forces, Foča, BiH	21 July 2002
	Gojko Janković	Military Police Commander, Serb forces, Foča, BiH	18 March 2005
8	Vojislav Šešelj	President, SRS	26 February 2003

No	*Name*	*Former title*	*Initial appearance*
9	Franko Simatović*	Commander, Special Operations Unit, State Security Services ("DB"), Republic of Serbia	2 June 2003
	Jovica Stanišić*	Head, State Security Services ("DB"), Republic of Serbia	12 June 2003
10	Ivica Rajić	Commander, Croatian Defence Council, HVO	27 June 2003
11	Mitar Rašević	Commander, Serb-run Kazneno-Popravni Dom prison guards, BiH	18 August 2003
	Savo Todović	Deputy Commander, Serb-run Kazneno-Popravni Dom prison guards, BiH	19 January 2005
12	Vladimir Kovačević*	Commander, JNA	3 November 2003
13	Ivan Čermak*	Assistant Minister Defence, Commander of Military Police, Croatia	12 March 2004
	Mladen Markač*	Special Police Commander, Croatia	
14	Jadranko Prlić*	President, "Herceg-Bosna"	6 April 2004
	Bruno Stojić*	Head Department of Defence, "Herceg-Bosna"	
	Slobodan Praljak*	Assistant Minister Defence, "Herceg-Bosna"	
	Milivoj Petković*	Commander, HVO	
	Valentin Ćorić*	Chief of Military Police Administration, HVO	
	Berislav Pušić*	Military Police Commanding Officer, HVO	
15	Ljubiša Beara	Colonel, Chief of Security, VRS	12 October 2004
16	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	7 December 2004
17	Milan Gvero*	Assistant Commander, VRS	2 March 2005
	Radivoje Miletić*	Chief of Operations, Deputy Chief of Staff, VRS	2 March 2005
18	Rasim Delić*	Commander, ABiH	3 March 2005
19	Momčilo Perišić*	Chief of General Staff, VJ	9 March 2005

No.	*Name*	*Former title*	*Initial appearance*
20	Ramush Haradinaj*	Commander, KLA	14 March 2005
	Idriz Balaj	Commander, KLA	14 March 2005
	Lahi Brahimaj	Deputy Commander, KLA	14 March 2005
21	Mićo Stanišić*	Minister, Internal Affairs, RS	17 March 2005
22	Drago Nikolić	Chief of Security, Drina Corps, VRS	23 March 2005
23	Vinko Pandurević	Commander, Zvornik Brigade, VRS	31 March 2005
	Milorad Trbić	Deputy Commander, 3rd Battalion, Zvornik Brigade, VRS	13 April 2005
24	Ljube Boškoski	Minister of Interior, FYROM	1 April 2005
	Johan Tarčulovski	Personal Security Officer for President, FYROM	21 March 2005
25	Ljubomir Borovčanin	Deputy Commander, Ministry of Interior Special Police Brigade, RS	7 April 2005
26	Vujadin Popović	Lt. Colonel, Assist. Commander, Drina Corps, VRS	18 April 2005
Total persons: 50			

* On provisional release.

Abbreviations:

ABiH	Army of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
FYROM	Former Yugoslav Republic of Macedonia
"Herceg-Bosna"	Croatian Republic of Herceg-Bosna
HVO	Croatian Defence Council
JNA	Yugoslav People's Army
KLA	Kosovo Liberation Army
RS	Republika Srpska
"RSK"	Republic of Serbian Krajina
SRS	Serbian Radical Party
VRS	Bosnian Serb Army
VJ	Armed Forces of the Federal Republic of Yugoslavia

Annex III

Persons convicted or acquitted after trial and guilty pleas

A. Persons convicted or acquitted after trial (39 persons, 20 cases)

No.	*Name*	*Former title*	*Initial appearance*	*Judgement*
1	Duško Tadić	Police officer & SDS official	26 April 1995	7 May 1997
2	Zejnil Delalić	Commander, Special Tactical Group	9 May 1996	16 November 1998 (acquitted)
	Zdravko Mucić	Commander, Čelebici Camp	11 April 1996	16 November 1998
	Hazim Delić	Deputy Commander, Čelebici Camp	18 June 1996	
	Esad Landžo	Camp Guard	18 June 1996	
3	Anto Furundžija	Commander Military Police, HVO	19 December 1997	10 December 1998
4	Zlatko Aleksovski	Prison Commander	29 April 1997	25 June 1999
5	Goran Jelisić*	Luka Camp staff	26 January 1998	14 December 1999 (acquitted of genocide but pleaded guilty on other counts; see below)
6	Dragan Papić	Member HVO	8 October 1997	14 January 2000 (acquitted)
	Zoran Kupreškić	HVO soldier	8 October 1997	14 January 2000
	Mirjan Kupreškić	HVO soldier	8 October 1997	
	Vlatko Kupreškić	HVO soldier	16 January 1998	
	Drago Josipović	HVO soldier	8 October 1997	
	Vladimir Šantić	Military Police Commander	8 October 1997	
7	Tihomir Blaškić	HVO Colonel	3 April 1996	3 March 2000
8	Dragoljub Kunarac	Commander VRS	9 March 1998	22 February 2001
	Radomir Kovač	Sub-Commander, Military Police	4 August 1999	
	Zoran Vuković	Sub-Commander, Military Police	29 December 1999	
9	Dario Kordić	President HDZ-BiH	8 October 1997	26 February 2001
	Mario Čerkez	HVO Commander		
10	Radislav Krstić	Deputy Commander VRS Drina Corps	7 December 1998	2 August 2001

No.	*Name*	*Former title*	*Initial appearance*	*Judgement*
11	Miroslav Kvočka	Commander Omarska Camp	14 April 1998	2 November 2001
	Milojica Kos	Shift Commander	2 June 1998	
	Dragoljub Prcać	Deputy Commander, Omarska	10 March 2000	
	Mladjo Radić	Shift Commander	14 April 1998	
	Zoran Žigić	Detention camp staff	20 April 1998	
12	Milorad Krnojelac	Commander KP Dom Camp	18 June 1998	15 March 2002
13	Mitar Vasiljević	Paramilitary	28 January 2000	29 November 2002
14	Mladen Naletilić	KB Commander (paramilitary)	24 March 2000	31 March 2003
	Vinko Martinović	ATG Commander	12 August 1999	
15	Milomir Stakić	President, Municipal Assembly, Prijedor	28 March 2001	31 July 2003
16	Blagoje Simić	President, SDS Bosanski Šamac	15 March 2001	17 October 2003
	Miroslav Tadić	Chairman, Bosanski Šamac "Exchange Commission"	17 February 1998	
	Simo Zarić	Commander	26 February 1998	
17	Stanislav Galić	Commander, Sarajevo Romanija Corps	29 December 1999	5 December 2003
18	Radoslav Brđanin	Member of Serbian Democratic Party of BiH	12 July 1999	1 September 2004
19	Vidoje Blagojević	Commander, Bratunac Brigade, VRS	16 August 2001	17 January 2005 (convicted)
	Dragan Jokić	Chief Engineer, Zvornik Brigade, VRS	21 August 2001	
20	Pavle Strugar	Commander, 2nd Operational Group, JNA	25 October 2001	31 January 2005 (convicted)
	Total persons: 39 (36 convicted + 3 acquitted)			

* Goran Jelisić appears in both sections of this annex because he pleaded guilty on some counts and was tried on another.

B. Persons pleading guilty (18 persons)

No **	*Name*	*Former title*	*Initial appearance*	*Judgement*
1	Dražen Erdemović	Soldier	31 May 1996	29 November 1996
2	Goran Jelisić*	Luka Camp staff	26 January 1998	14 December 1999 (tried and acquitted on another charge)
3	Stevan Todorović	Chief of Police, Bosanski Šamac	30 September 1998	31 July 2001
4	Duško Sikirica	Commander, Keraterm Camp	7 July 2000	13 November 2001 (guilty pleas entered after 6 months of trial)
	Damir Došen	Shift Commander	1 November 1999	
	Dragan Kolundžija	Shift Commander	14 June 1999	
5	Milan Simić	President, Executive Board, Bosanski Šamac	17 February 1998	17 October 2002
6	Biljana Plavšić	Acting President, "Serbian Republic" of BiH	11 January 2001	27 February 2003
7	Predrag Banović	Guard, Keraterm Camp	16 November 2001	28 October 2003
8	Momir Nikolić	Captain VRS	3 April 2002	2 December 2003
9	Dragan Obrenović	Deputy Commander, 1st Zvornik Infantry Brigade	18 April 2001	10 December 2003
10	Dragan Nikolić	Commander, Sušica Detention Camp	28 April 2000	18 December 2003
11	Ranko Češić	Luka Camp staff	20 June 2002	11 March 2004
12	Miodrag Jokić	Admiral, VPS	14 November 2001	18 March 2004
13	Miroslav Deronjić	President, Bratunac Crisis Staff	10 July 2002	30 March 2004
14	Darko Mrđa	Special Police Officer	17 June 2002	31 March 2004
15	Milan Babić	President, SAO, Krajina	26 November 2003	29 June 2004
16	Miroslav Bralo	Member, HVO Special Forces	15 November 2004	pending
	Total persons: 18			

* Goran Jelisić appears in both sections of this annex because he pleaded guilty on some counts and was tried on another.

** This section of the table refers to sentencing proceedings. Upon entry of a guilty plea in a multi-defendant case, the accused is severed from the case for the purposes of sentencing.

Abbreviations:

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Annex IV

New arrivals and remaining fugitives

A. Arrivals at the Tribunal from August 2004 to July 2005

	Name	*Former title*	*Place of crime*	*Arrival date*	*Initial appearance*
1	Ljubiša Beara	Colonel, Chief of Security, VRS	Srebrenica	10 October 2004	12 October 2004
2	Miroslav Bralo	Member, Special Forces unit ("The Jokers"), HVO	Lašva River Valley, BiH	14 November 2004	15 November 2004
3	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	Sarajevo	3 December 2004	7 December 2004
4	Savo Todović	Dep. Commander, Serb-run Kazneno-Popravni Dom prison guards	Foča, BiH	15 January 2005	19 January 2005
5	Vladimir Lazarević	Commander, Pristina Corps, VJ	Kosovo	3 February 2005	7 February 2005
6	Milan Gvero	Assistant Commander, VRS	Srebrenica and Zepa	24 February 2005	2 March 2005
7	Radivoje Miletić	Chief of Operations, Deputy Chief of Staff, VRS	Srebrenica and Zepa	28 February 2005	2 March 2005
8	Rasim Delić	Commander, ABiH	Maline/Bikosi & Kamenica Camp BiH	28 February 2005	3 March 2005
9	Momčilo Perišić	Chief of General Staff, VJ	Croatia; BiH	7 March 2005	9 March 2005
10	Ramush Haradinaj	Commander, KLA	Kosovo	9 March 2005	14 March 2005
11	Idriz Balaj	Commander, KLA	Kosovo	9 March 2005	14 March 2005
12	Lahi Brahimaj	Deputy Commander, KLA	Kosovo	9 March 2005	14 March 2005

	Name	*Former title*	*Place of crime*	*Arrival date*	*Initial appearance*
13	Mićo Stanišić	Minister, Internal Affairs, RS	BiH	11 March 2005	17 March 2005
14	Gojko Janković	Military Police Commander, Serb forces	Foča, BiH	14 March 2005	18 March 2005
15	Ljube Boškoski	Minister of Interior, FYROM	Macedonia	24 March 2005	1 April 2005
16	Johan Tarčulovski	Personal Security Officer for President, FYROM	Ljuboten, Macedonia	16 March 2005	21 March 2005
17	Drago Nikolić	Chief of Security, Drina Corps, VRS	Srebrenica	17 March 2005	23 March 2005
18	Vinko Pandurević	Commander, Drina Corps, VRS	Srebrenica	23 March 2005	31 March 2005
19	Ljubomir Borovčanin	Deputy Commander, Ministry of Interior Special Police Brigade, RS	Srebrenica	1 April 2005	7 April 2005
20	Sreten Lukić	Head Staff, Serbian Ministry of Internal Affairs, VJ	Kosovo	4 April 2005	6 April 2005
21	Milorad Trbić	Deputy Commander, Zvornik Brigade, VRS	Srebrenica	7 April 2005	13 April 2005
22	Vujadin Popović	Lt. Colonel, Assist. Commander, Drina Corps, VRS	Srebrenica	14 April 2005	18 April 2005
23	Nebojsa Pavković	General, Commander 3rd VJ Army	Kosovo	25 April 2005	28 April 2005

Total new arrivals in reporting period: 23

B. Remaining fugitives

	Name	*Former title*	*Place of crime*	*Date of indictment*
1	Radovan Karadžić	President, RS	BiH	25 July 1995
2	Ratko Mladić	Commander, Main Staff, VRS	BiH	25 July 1995
3	Ante Gotovina	Commander, Split Military District, HV	Krajina, Croatia	31 May 2001
4	Milan Lukić	Member, Serb-run Special Operations Military Unit ("White Eagles")	Višegrad, BiH	21 October 1998
5	Sredoje Lukić	Member, Serb-run Special Operations Military Unit ("White Eagles")	Višegrad, BiH	21 October 1998
6	Dragan Zelenović	Sub-Commander, Military Police, Serb forces	Foča, BiH	20 April 2001
7	Vlastimir Đorđević	Assistant Minister, Serbian Ministry of Internal Affairs, VJ	Kosovo	25 September 2003
8	Goran Hadžić	President, "SAO SBWS"	Croatia	28 May 2004
9	Stojan Župljanin	Head or Commander of the Serb-operated Regional Security Services Centre	Krajina, Croatia	6 October 2004
10	Zdravko Tolimir	Assistant Commander, Intelligence and Security of the Main Staff, VRS	Srebrenica and Zepa	10 February 2005

Total remaining indictees: 10

Abbreviations:

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SRS	Serbian Radical Party
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Annex V

Voluntary contributors

Contributor	*Amount of contribution (United States dollars)*
Austria	108 547
Belgium	74 892
Cambodia	5 000
Canada	2 324 125
Chile	5 000
Cyprus	4 000
Czech Republic	10 000
Denmark	263 715
European Commission	4 184 532
Finland	332 910
Germany	731 463
Greece	10 000
Hungary	12 000
Ireland	121 768
Israel	7 500
Italy	2 110 244
Liechtenstein	4 985
Luxembourg	268 413
Malaysia	2 500 000
Malta	1 500
McArthur Foundation	200 000
Namibia	500
Netherlands	2 489 137
New Zealand	14 660
Norway	1 339 266
OSCE	24 936
Pakistan	1 000 000
Poland	12 000
Portugal	20 000
Rotterdam	2 407
Rockefeller Foundation	50 000
Saudi Arabia	300 000
Slovenia	10 000
Spain	13 725
Sweden	461 626
Switzerland	1 516 437

Contributor	*Amount of contribution (United States dollars)*
United Kingdom of Great Britain and Northern Ireland	4 678 363
United States of America	16 910 298
Utrecht University	2 196
Other public contributions	80 647